

September/October 2017

The Bencher®

THE MAGAZINE OF THE AMERICAN INNS OF COURT®



Solo/Small Firm Practice

www.innsofcourt.org





FROM THE PRESIDENT

Chief Judge Carl E. Stewart

Although frequent attention is given to BigLaw firms, solo practitioners and small firm attorneys make up the bedrock of the legal profession. These attorneys are woven throughout this nation's legal fabric: They are bar association presidents, adjunct law professors, and niche practice area experts. Many have ably argued before the Supreme Court of the United States.

During my time as a state trial judge in my hometown of Shreveport, Louisiana, I developed a heightened appreciation for the unique scheduling demands solo practitioners regularly confront. Although I sat in Caddo Parish (County), many of the attorneys who appeared before me also represented clients in neighboring Bossier and De Soto Parishes, among others. The docket on motions day, initial appearance day, and domestic rule day consistently included BigLaw attorneys, but solo practitioners and small firms made up the majority of the docket. Unlike their BigLaw counterparts, should these lawyers' names appear on the docket in Bossier, Caddo, and De Soto for 9:00 AM that same day, they could not simply ask their law partner or an associate to stand in for them. This conundrum presented these attorneys with a Hobson's choice: potentially draw a judge's ire for their tardiness or make a living by handling client matters during overlapping time periods. With this in mind, and sympathetic to their dilemma, my colleagues and I would often place their cases at the end of the docket list or provide another scheduling alternative. This docket flexibility was more efficient for them, the court, and most importantly, their clients.

Since my time on the state trial bench, technology has played a significant role in mitigating many of these concerns. By allowing a range of services to take place digitally, current practice is aided greatly. Technology designed to enhance legal representation is in a constant state of development. Because a small firm's success often hinges on using emerging technologies, developers are more frequently focusing on accessible products for small businesses. Technology helps these small firms and solo practitioners streamline administrative tasks and focus on the substantive practice of law.

Even with the advent of dynamic technology, solo practitioners and small firms continue to encounter challenges. The time gained by

escaping the "billable hour" for most solo and small firm practitioners is spent catching up on administrative tasks. Many solo practitioners are their own paralegals, administrative assistants, information technology professionals, and marketing directors. How frequently they receive a paycheck, and the size of that paycheck, depends largely on them. And, critically, because they work alone, they do not receive the mentorship that is built into life at a BigLaw firm.

The benefits of mentorships are undeniable. For mentors, this means reciprocating kindnesses that aided them in their early development; for mentees, this means receiving vital guidance in the pursuit of becoming outstanding attorneys. While small firms lend themselves to discussions among new and seasoned attorneys, solo practitioners have to be creative in developing mentors in the legal field. Fortunately, American Inns of Court provide meaningful mentorship opportunities for new attorneys and solo practitioners.

Every day, solo practitioners successfully traverse these obstacles, and frequently, the flipside of these challenges highlight the benefits of being a solo practitioner or small firm attorney. Solo practitioners and small firm attorneys often boast a better work-life balance. Because they are their own bosses, they can focus their practice on the cases that interest them most. For new attorneys, putting up a shingle allows them to meet directly with clients and work their cases from start to finish, instead of assisting in a more limited capacity. This creates a steeper learning curve for new attorneys, which often lends itself to a more streamlined professional development. For many attorneys, both new and accomplished veterans, the attendant benefits of being a solo practitioner comport better with their goals as individuals.

This edition of *The Bencher* focuses on the unique challenges the solo practitioner and small firm attorney face while highlighting their vitality. With these attorneys composing 62 percent of the legal profession, I hope this issue provides a springboard for dynamic discussion and meaningful mentorship at your local Inns. ♦





Members of the Amdahl and Burger Inns who participated in the joint service project include, from left to right, Emily Swann, Karin Ciano, Melissa Still, Linda Berberoglu, Judge Mark Kappelhoff, Camila Hanson, Jill Oleisky, Judge John McShane, Judge Juan Hoyos, and Dan O'Leary.

Douglas K. Amdahl American Inn of Court

In May, the Douglas K. Amdahl and Warren E. Burger American Inns of Court in Minneapolis/St. Paul, participated in a joint Inn service project. The event provided an opportunity for Inn members to give back to the community.

Last year the Amdahl Inn provided a "spring cleaning" to the community gardens of Perspectives, Inc., a therapeutic supportive housing program for women and children. The gardens provide a variety of vegetables and herbs, which are used in the organization's cooking and nutrition courses on campus and in homes. This year, a larger group was needed so the Amdahl and Burger Inns teamed up to participate in a beautification project around the five apartment buildings where the families live. The project included planting a wide variety of annual and perennial plants at the entrances and around the buildings. Everyone came prepared with spades, gloves, and Midwestern work ethic.

Perspectives Inc. provides transitional housing to single mothers—it is a "full service" entity with the goal of establishing stability and long term success with the families it serves. Services include after-school programs for children, nutritional education, chemical dependency classes, job coaching, and independence skills classes. The families involved in the program have had their lives affected by the legal system through custody disputes, criminal matters and/or juvenile issues.

The weather was beautiful and the project was a great success. Inn members look forward to expanding their presence on the Perspectives campus again next spring. ♦



William L. Dwyer Inn members are shown above at their end of the year meeting.

William L. Dwyer American Inn of Court

The William L. Dwyer American Inn of Court of Seattle, Washington, held its last 2016–2017 meeting May 9, 2017. Judge Beth Andrus, outgoing president, gave welcome remarks and summarized the Dwyer Inn's successful year. New and existing emeritus members were recognized, in addition to 16 new members. Cynthia Jones, Inn mentoring chair, led a presentation highlighting the mentoring experiences of Judge Judith Ramseyer and Quita St. John. The Inn also elected its 2017–2018 executive board. ♦

IN THIS ISSUE...

Feature Articles

■ Planning to Start Your Law Firm By Dirk Jordan, Esq.	20
■ Good Things Come in Small Packages By John A. Elzufon, Esq. and H. Garrett Baker, Esq.	22
■ The Benefits and Challenges of Our Solo and Small Firm Practices By Julie E. Bates, Esq.	24

Special Feature

■ Experience and Observations of a Founding Member of the American Inns of Court By M. Dayle Jeffs, Esq.	26
---	----

Column

■ Technology: Proposed Changes to Federal Rules of Evidence Will Make it Easier to Authenticate Electronic Evidence for Trial Kevin F. Brady, Esq.	30
---	----

Regular Features

■ Inn the News	3
■ Program Spotlight	31

COVER PHOTO CREDITS: Front: ©iStockphoto.com/ehblake. Back: ©iStockphoto.com/skodonnell.

Henry Woods American Inn of Court

This year's program theme for the Henry Woods American Inn of Court in Little Rock, Arkansas was "Arkansas Titans". The lawyers and judges featured were tremendous examples of greatness of achievement in the law. The programs began with the Inn's namesake, Judge Henry Woods. Although everyone enjoyed learning more about Judge Woods, it was an especially great opportunity for new members to be introduced to the man who accomplished such tremendous good as both a lawyer and judge.

Another program featured an historic reenactor who gave a real life portrayal of Judge Issac Parker. Known as the "Hanging Judge," Parker made great contributions by bringing law, order, and justice to Arkansas and the western frontier. Judge Andree Layton Roaf's former law clerk, Assistant Attorney General Katina Hodge, brought the Inn a unique and intimate view of the first African-American woman to serve on the Arkansas Supreme Court. Roaf was a successful biologist with the National Center for Toxicology Research before deciding to change careers and pursue the law. Michael McCarty Harrison, with the support of the Arkansas Bar Association, produced an important video interview with Arkansas titan David Solomon, Jr., a prominent member of Helena, Arkansas's Jewish community and a Harvard Law School graduate who served in the U.S. Army during World War II. He later served for a combined total of 40 years as both the Helena City Attorney and attorney for the Helena School Board. The Inn was very thankful for this timely opportunity as Solomon passed away at the age of 100 on March 23, 2017.

The remaining programs covered Judge Richard Arnold, of the U.S. Court of Appeals for the 8th Circuit; Sid McMath, who served as governor of Arkansas from 1949–1953; and Scipio Africanus Jones, who was a remarkable lawyer, judge, and statesman. This year's programs have been both educational and inspirational. ♦



Arizona Bankruptcy Inn members at the Ryan House event are, from left to right, Christopher C. Simpson, Esq., Inn program chair; Chief Judge Daniel P. Collins; and Edward K. Bernatavicius, Esq., immediate past president.

Arizona Bankruptcy American Inn of Court

The Arizona Bankruptcy Inn of Court in Phoenix, Arizona conducted two community service projects during the Inn year. For its first project, the Inn chose to serve the Ryan House, a local non-profit enterprise providing pediatric respite, palliative, and end-of-life care for children and their families. Among other things, Ryan House supports its families by serving food at the facility or by bringing a heat-and-serve meal to a family's home. Inn members and their families met early on a beautiful Saturday, crock pots and groceries in hand, to prepare meals for the residents of Ryan House. By the end of the day, Inn members had prepared and packaged 360 servings of Southwest Surprise, an easy to store and eat chili variation. The chili was served at a Ryan House event that same afternoon, delivered to the homes of Ryan House families, and frozen for later use.

For its second project, the Inn teamed up with Circle the City, a non-profit healthcare facility where homeless people can recover from illness or injury before having to face the harsh realities of life on the streets once again. One of the ways the organization spreads the word about their services is by distributing Kindness Kits, small backpacks filled with basic necessities (sunblock, toothpaste and toothbrushes, antibacterial wipes, etc.), in parks and through other social service agencies. Inn members organized the purchase of the items for the Kindness Kits and assembled an eight-month supply of the kits in record time.

The Inn hopes to continue its tradition of providing non-legal community service. In addition to the feeling of making a difference, the service projects provide a great opportunity for members to get to know each other outside the formalities of the practice of law, ultimately strengthening the relationships across all levels of our members. ♦

New York American Inn of Court

At the May meeting of the New York American Inn of Court, members were treated to the Inn's annual Judicial Roundtable program titled, "Commercial Litigation in New York: A Tale of Two Courts." The program was moderated by Judge Richard J. Sullivan, of the U.S. District Court for the Southern District of New York, and led by an esteemed panel of New York state and federal jurists. The panel included Justices Saliann Scarpulla and O. Peter Sherwood of the New York County Supreme Court Commercial Division and Judges Lewis A. Kaplan and J. Paul Oetken of the Southern District of New York.

The discussion covered a variety of procedural considerations for litigating complex business disputes as well as the similarities and differences between the state program and its federal counterpart. The panelists' explanations of their individual rules were very interesting, particularly when they differed on issues such as the utility of mandatory meet-and-confers between counsel as a way to reduce discovery motions. Also interest-



Participating as panelists at the New York Inn May meeting are, from left to right, Justice Saliann Scarpulla; Justice O. Peter Sherwood; Judge J. Paul Oetken; and Judge Lewis A. Kaplan.

ing was how attuned they were to the high cost of e-discovery in complex commercial litigation and their active role in monitoring the cost in relation to the amount in controversy. The program concluded with a question and answer session. ♦

Ruth Bader Ginsburg American Inn of Court

As the members of the Ruth Bader Ginsburg American Inn of Court in Oklahoma City, Oklahoma, reflect back on this past Inn year, one of the highlights was a joint meeting with the William J. Holloway, Jr. American Inn of Court, the Luther L. Bohanon American Inn of Court, and the Robert J. Turner American Inn of Court. Judge Patricia G. Parrish, president of the Holloway Inn, took the lead in bringing the Inns together for an informative and thought provoking program on George Washington and a panel discussion. Devon Energy Corporation graciously opened its auditorium for the event, which was attended by approximately 300 Inn members.

Following a social hour, R. Clark Musser, Esquire, gave a captivating presentation on George Washington, weaving a colorful narrative that highlighted Washington's voluntary relinquishment of ultimate power throughout his life of

public service as commander of the Continental Army, president of the constitutional convention, and the first president of the United States. Attendees were reminded how Washington did not overtly seek the spotlight, but when asked, reluctantly acquiesced always with the attitude that he was merely a servant of the people. At the pinnacle of greatness, Washington refused requests that he hold a third term as president and returned to Mt. Vernon.

The last presentation of the evening included a panel of federal and state court judges who gave insight into the role of the judiciary. The topics discussed varied from administrative aspects of how certain courts handle day-to-day issues to effectively presenting an argument to the court. The panel, and its insight, was well received and provided valuable information to young attorneys and veterans alike. ♦

INN THE NEWS



In the photo are, from left to right, Timothy O'Neill, Esq., Inn immediate past president; Donna L. Eng, Esq., Inn president; and Anthony Arlide, QC, of Middle Temple in London.

Craig S. Barnard American Inn of Court

In May of 2017, the Craig S. Barnard American Inn of Court of West Palm Beach, Florida, participated in the American Inn of Court's Adopt-a-Barrister Program. The Inn hosted a member of The Honourable Society of the Middle Temple, Mr. Anthony Arlide, QC, of Red Lion Chambers in London. Arlide is a well-known author and criminal defense attorney whose most recent publication is titled "Lawyers Who Made America."

Arlide was the guest speaker at a luncheon sponsored by the Inn for the judges of the Fifteenth Judicial Circuit. After Arlide gave a discussion about his most recent book and answered questions about the English judicial system, he was given a tour of the courthouse, where he was able to watch part of a trial. He was amazed at the use of technology in the courtroom, as the English courtrooms do not support modern technology.

The next day, Arlide attended a reception held in his honor at the West Palm Beach Historic Courthouse. Approximately 150 members of the Inn, judiciary, and Palm Beach County Bar attended the event. The timing of the reception, May 9, 2017, was perfect as the historic courthouse was also the site of an exhibition of the Magna Carta, of which the Inn was a sponsor.

Prior to comments by Arlide, the Inn presented its annual Jurist of the Year award to Judge Lisa S. Small, and the Inn Cup to the Carbolic Smokeball pupillage group. During his comments, Arlide spoke eloquently about the ties between England and the founding fathers of America, the special relationship between the governments of England and the United States, and the special ties between the English and Irish Inns of Court and the American Inns of Court. Although unexpectedly hilarious at times, Arlide's comments on the important role of the Inns in promoting ethics, professionalism, and excellence, and the importance of participation in the Inns by both the bench and the bar were thoughtful and truly inspiring. ♦



Calvert Inn members with the Travis High School students who participated in the Mentor a Student Mock Trial.

Robert W. Calvert American Inn of Court

Robert W. Calvert American Inn of Court in Austin, Texas has completed its fourth year of participating in "Mentoring a Student" (MAS) at Travis High School. Founded by Judge Orlinda Naranjo, MAS is a unique mentoring program that engages Inn members with students from Travis High School, where the student population is 96% minority and 85% economically disadvantaged.

Inn members met once a month with approximately 30 students who are in a Principles of Law/Criminal Justice class. Some of the topics they discussed were: "Driven to Distraction—The physical and legal effects of Multi-Tasking;" Jury Service; "No room at the Inn—Recent Development in Immigration Law;" and "Now that you are 18".

The highlight of the program is a mock trial on "Dating Violence". The Mock Trial was held May 11, 2017, at the Austin Heman Marion Sweat Courthouse before middle and high school students with Judge Naranjo presiding. Prior to the mock trial, Inn members met with the students to prepare them for their roles as witnesses, lawyers, and the handling of evidence, which included texts and a torn blouse.

The program was a great success as evidenced by the participation and enthusiasm by our members and the students. Yanetzy Ortiz, one of the seniors said, "The feeling of presenting evidence to a jury and obtaining a conviction is priceless. I hope this program continues for generations to come, they will enjoy every second of it just like I did." Anthony Chase, the instructor for the Criminal Law class stated, "Thanks to the MAS program, my students became more engaged in my classroom and became more enthusiastic about pursuing a possible legal career."

The Calvert Inn and American Board of Trial Advocates Austin Chapter awarded two \$500 college scholarships to Yanetzy Ortiz and Sarah Bonee, two graduating MAS seniors. The girls will be attending Texas State University in San Marcos, Texas. ♦



In the photo accepting the 2017 Justice Games Pro Bono Award are, from left to right, Judge Catherine Peek McEwen; C. Douglas McDonald, Esq., Inn president; and Eileen H. Griffin, Esq.

C.H. Ferguson-M.E. White American Inn of Court

On May 11, 2017, at the Tampa Bay Area Justice Games, the C.H. Ferguson-M.E. White American Inn of Court, along with the Stann Givens Family Law American Inn of Court, won the Pro Bono Award for having the greatest number of members sign up to perform pro bono projects. The Justice Games is an annual event in which eight American Inns of Court in the Tampa Bay area come together to promote fellowship among the local Inns and to compete in answering esoteric questions that are (at least peripherally) related to topics of law, or, for this year, movies relating to law.

This year the event was hosted by the Givens Inn at the Tampa Theater, with the members of each Inn dressing according to the theme of an Oscar-winning movie. The Ferguson-White Inn chose *Forrest Gump* as its theme. ♦

Doris Jonas Freed American Inn of Court

On a recent spring evening, a large black sport utility vehicle left the parking lot of the Crowne Plaza Hotel in King of Prussia, Pennsylvania. The vehicle was filled from top to bottom and front to back with men's and women's career wear. Its destination was the Career Wardrobe's main office in Philadelphia, Pennsylvania. The purpose of this trip? The answer is simple. The Doris Jonas Freed Inn of Court in Montgomery County, Pennsylvania, was putting its final touch on a community outreach program.

As Inn members know all too well, clients and members of the community in general can sometimes use a helping hand in getting back into, or taking their first steps toward joining the work force. Sometimes a new outfit can provide a boost in self-confidence that individuals need to help them reach their goals.

Career Wardrobe describes itself as "a nonprofit social enterprise that uses clothing and professional development to empower unemployed individuals to work." One of the primary goals of Career Wardrobe is to provide men and women with professional clothing so that they can have that perfect interview suit, or appropriate work attire for a new job, or simply to furnish them with clothing to maintain their current employment. The Career Wardrobe has been very successful in achieving this goal as 67 percent of its clients have gained employment and discontinued receiving assistance.

The Freed Inn is proud to have made a significant contribution to this worthwhile program and is committed to identifying ways that Inn members can improve the lives of the people in the community and organizing events to meet these goals. ♦

Leo Bearman Sr. American Inn of Court

On May 13, 2017, members of the Leo Bearman Sr. American Inn of Court in Memphis, Tennessee, volunteered at the Saturday Legal Clinic. The clinic operates on a first-come, first-served basis and provides opportunities for members of the community to be matched up with an attorney to have their legal questions answered. Volunteer attorneys give advice if they are able, referrals if they are not, and sometimes agree to represent the individual if extended services are warranted. The clinic is the result of collaboration between Memphis Area Legal Services, the Memphis Bar Association, and the Memphis Paralegal Association. In addition, law students from the University of Memphis often help coordinate volunteers and services. The Saturday Legal Clinic celebrates its tenth year of service this year, and the Inn was proud to contribute its support. ♦



Members of the Leo Bearman, Sr. American Inn of Court volunteer at a Saturday Legal Clinic in Memphis.

INN THE NEWS



Holland Inn members at the Supreme Court of the United States are, from left to right, Tara E. Bustard; Susan D. Ament; Reneta L. Green-Strett; Danielle K. Yearick; Julie S. Pezzner, vice president; Natalie S. Wolf; H. Garrett Baker, president; Kimberly A. Wilson; Deborah J. Massaro; Dennis J. Menton; Justice Randy J. Holland; Eric D. Boyle; Sheldon S. Saints; Chief Justice John G. Roberts, Jr.; Michael G. Owen, treasurer; Nathan V. Gin; Cassandra F. Roberts, administrator; Meghan Butters Houser; Samuel D. Pratcher III; Joan Schneikart; Oliver J. Cleary; Susan D. Mack; Jessica L. Welch; Matthew R. Fogg, past president; and Wilson A. Gualpa.

Randy J. Holland Delaware Workers' Compensation American Inn of Court

On May 22, 2017, members of the Randy J. Holland Delaware Workers' Compensation American Inn of Court in Wilmington, Delaware, attended an admission ceremony at the Supreme Court of the United States. After announcement by the court of three decisions from the bench, 20 Inn members were moved for admission to the Supreme Court's bar. The members were admitted on motion of the Inn's namesake, Justice Randy J. Holland. Holland recently retired from the Delaware Supreme Court after more than 30 years of service. Following the admission ceremony, Inn members were greeted by Chief Justice John G. Roberts, Jr. and Associate Justice Ruth Bader Ginsburg, who congratulated the members on their admission and on the progress of the Holland Inn. ♦

William P. Gray Legion Lex American Inn of Court

On May 10, 2017, members of the William P. Gray Legion Lex American Inn of Court in Orange County, California, presented an historical reenactment of the legal case, *Chy Lung v. Freeman* (1876) 92 U.S. 275. Centered on events that took place in the 1870s in San Francisco, California, the case involved "lewd Chinese women," neighborhood gossips, people with big egos, and fancy legal strategies and maneuvers. *Chy Lung* raised race and immigration issues that went all the way to the Supreme Court of the United States. Performed in theater-reading style, members brought history to life in roles including plaintiffs, witnesses, lawyers, judges, and politicians.

The information for the historical reenactment was generously provided by the Asian American Bar of New York (AABNY). The Inn is deeply appreciative and grateful for AABNY's research and work on bringing to light this historic case. ♦



Members of the Goldburg-Cacciatoe Inn at Trinity Cafe are, in the front row, left to right, Antina Mobley, Judge Virginia Covington, Alia Traffante, Anne Borghetti. In the back row are, from left to right, Aaron Hubbard, Greg Pizzo, Carlton Gammons, and Matt Luka.

Herbert G. Goldburg–Ronald K. Cacciatoe Criminal Law American Inn of Court

The Herbert G. Goldburg–Ronald K. Cacciatoe Criminal Law American Inn of Court in Tampa, Florida, understands that the legal profession, though at times esoteric and complex, is also a profession of morality, ethics, and a sense of community. Each year, the Inn organizes a service project to provide members with an opportunity to come together as a group to help the community.

This year's project took members to a place called The Trinity Café. The Trinity Café's mission statement is to "restore a sense of dignity to the homeless and hungry while serving a nutritious meal. We faithfully treat all of God's children with dignity, compassion, love, and respect." The café serves meals 365 days out of the year, offering lunch during the week and a hearty breakfast during weekend mornings. Since its founding in 2001, Trinity Café has served over 1.2 million meals to those in need. With as many as 380 meals served daily, Trinity Café would not be able to operate and support the many homeless individuals in the community without volunteers.

This past spring, Inn members including Judge Virginia C. Hernandez Covington, prosecutors, and defense attorneys from the Tampa Bay area, served as volunteers at Trinity Café. The attorneys were fitted with aprons and gloves, and put to work serving the meals and clearing tables.

Our time at Trinity Café was eye opening. The Inn recognizes that service to the less fortunate by those able to lend a hand is truly what defines us as a society. It is experiences such as these that make us, as lawyers, appreciate and empathize with others we encounter in the criminal justice system. It is safe to say that Trinity Café is a good place filled with good people. ♦

Stann Givens Family Law American Inn of Court of Tampa

Richard Mockler has been awarded the 2017 Theodore Millison Professionalism Award by the Stann Givens Family Law American Inn of Court of Tampa. The award, named in honor of the late Tampa family law practitioner who was beloved in the family law community, is given once a year to an attorney who exemplifies the highest standards of ethics and professionalism in the practice of family law. This is the highest award presented by the Stann Givens Family Law Inn of Court.

The award was presented to Mockler at the Inn's April 5, 2017 meeting and dedicated June 1, 2017 at the Hillsborough County George Edgecomb Courthouse. Susan Whitaker, executive director of the Givens Inn, announced Mockler to a courtroom filled with his family, peers, colleagues, and several members of the judiciary.

Mockler is a named partner at Mockler Dorsett, P.A. where he is a full time family law mediator. He earned his J.D. and a L.L.M. in taxation from University of Florida. Prior to becoming an attorney, Richard served as a U.S. Marine with the 4th Assault Amphibian Battalion in Tampa, Florida. Mockler is the proud father of four children, Katherine, Claire, Dylan, and Julia.

Mockler's peers chose him for this award in part because he is extremely knowledgeable in the area of family law and is a consummate professional who is always willing to share his knowledge with his peers. He treats clients and colleagues with respect and courtesy, and is truly an asset to the strength and growth of the Tampa family law community. ♦



Richard Mockler is the 2017 recipient of the Theodore Millison Professionalism Award presented by the Stann Givens Family Law American Inn of Court of Tampa.

Manatee American Inn of Court

On May 16, 2017, the Manatee American Inn of Court in Bradenton, Florida, awarded its inaugural Mark R. Lipinski Mentorship Award to Judge Janette Dunnigan, of the Twelfth Judicial Circuit, which includes Manatee, Sarasota, and DeSoto counties. Prior to her appointment to the bench, she served as an assistant public defender, an assistant state attorney, and spent time in private practice. She was appointed by the late Governor Lawton Chiles in January 1994—the first female appointed to the Circuit Court bench in Manatee County, Florida. During her more than 23 years on the bench, Dunnigan has continuously volunteered to participate in events for young lawyers, helped guide and mentor new judges, and has always been available for anyone seeking assistance or guidance. She is honored with the Inn's first mentorship award to recognize her dedication to helping and mentoring not only attorneys but many newly-appointed or elected judges over the years. Dunnigan retired as of August 31, 2017. ♦



Judge Janette Dunnigan

Thompson G. Marsh American Inn of Court

Members of the Thompson G. Marsh American Inn of Court in Denver, Colorado, continued their annual tradition of sending members of the Inn to participate at Denver Legal Night. Denver Legal Nights are co-sponsored by the Colorado Lawyers Committee, Denver Bar Association Young Lawyers Division, and the Denver Access to Justice Committee, and provide an opportunity for members to give back to communities by providing legal assistance to those in need.

Denver Legal Night utilizes volunteers to help those who could not otherwise afford legal services meet with an attorney in order to provide free legal and referral information to lawyers to members of the community. Typical cases include immigration, family law, consumer and bankruptcy, and housing. Although the attorneys do not provide legal advice or representation, volunteers work with the attendees to determine legal issues and refer them to legal services where appropriate.

The clinics provide an outstanding opportunity to members of the legal profession and the Inn to give back to the community by helping those who can't afford to otherwise consult with an attorney, and also may be unfamiliar or confused with the American legal system. ♦

Lloyd Lochridge American Inn of Court

The American Inns of Court Leadership Summit hosted in Austin on April 28, 2017 saw record participation from the Lloyd Lochridge American Inn of Court of Austin, Texas. Twelve of the Inn's 60 members attended the Leadership Summit, meaning 20 percent of the Lochridge Inn participated. This is the highest participation rate at a Leadership Summit of any one American Inn of Court.

"The Lochridge Inn has tremendous buy-in from the members, and many aspire to leadership," said Dirk Jordan, a founding member of the Lochridge Inn and a member of the American Inns of Court Board of Trustees. "The attendance impressed me because the attendees came from all levels of experience, and only three attendees are currently on the executive committee. The other nine want to contribute to the Inn in meaningful ways."

Also attending the Austin summit were members of the four other Austin-area Inns, as well as members of Inns in Louisiana, Kansas, and Oklahoma. Leadership Summits offer current and upcoming Inn leaders the opportunity to connect, problem-solve, and learn about Inn management practices to optimize their Inn's performance and enhance their membership experience.

The chance to collaborate with and learn from leaders of other Inns is what drew many of the Lochridge Inn members to attend. "I attended the Leadership Summit to find out more about how

other Inns engage with their membership and learn of any areas that our Inn can improve upon," said Jessica Mangrum. Sean Flammer agreed, "I wanted to learn from other Inns what they are doing that works so that we could implement other Inns' best practices in our Inn and make our Inn even better."

Other members of the Lochridge Inn attended because they hoped to become more involved in their Inn. Lisa Paulson said, "I went because I have loved my Inn experience so much, I was curious what a Leadership Summit was, and I was looking for ways to get more involved with our wonderful Inn."

The summit presented Inn leaders with "a great opportunity to learn from the other Inns and get some new ideas," according to Ryan Botkin. Attendees shared the practices of their own Inns and exchanged ideas in the areas of Inn governance, leadership, administration, mentoring, outreach, and programs. The focus was on generating ideas to help each Inn develop their own individual high quality member experience.

Participants learned more about the variety of experiences that the American Inns of Court can offer.

"There are lots of ways to structure an Inn and create a unique culture," Botkin said. Mangrum added, "I learned that there are a variety of different ways to engage with your members, foster mentoring, and forge personal relationships within an Inn."

Interacting with members of different Inns gave participants ideas they could take back to their own Inns. Flammer noted, "When other people shared about their Inn, a few of us in my Inn looked at each other and said, 'hey, we should do that.'"

"While our Inn is doing very well in certain areas," said Magrum, "there were some good ideas about getting younger members involved in leadership roles and providing a bit more structure for the mentoring program that we are going to explore and implement in the coming year."

For many, the summit reinforced the ideals that led them to join the Lochridge Inn in the first place.

"The experience affirmed what a noble profession we share," said Paulson. "Meeting and sharing ideas with such a diverse group who truly care about the profession, its future, and civility reawakened the ideals that inspired me to pursue this career. The energy in the room was amazing and so positive." ♦



The American Inns of Court Leadership Summit held April 28, 2017, in Austin, Texas, saw record participation from the Lloyd Lochridge American Inn of Court.

The Honorable Robert J. Bryan American Inn of Court

Milestones, like anniversaries, present an opportunity to reflect upon our past and celebrate the journey. The members and leaders, past and present, of the Honorable Robert J. Bryan American Inn of Court, in Tacoma, Washington, found much to celebrate at their 30th anniversary pupilage group presentation and dinner earlier this year.

In 1987, due to the efforts of U.S. District Court Judge Robert J. Bryan, attorneys Warren Peterson and Elvin Vandeberg, and James Bond, Dean of the University of Puget Sound School of Law, the Puget Sound American Inn of Court was founded with an initial membership of 50 judges, attorneys, and law students. Later renamed the Honorable Robert J. Bryan American Inn of Court, we now boast 112 active members.

We are proud of our participation in the Achieving Excellence program, having earned Platinum status for three consecutive years. As a result of the program, we have formed close relationships with two neighboring Inns, the Seattle Intellectual Property Inn and the William L. Dwyer Inn.

Our members embrace the collegial joint meetings and other Inn events, so when it came time to celebrate our 30th anniversary, we decided to participate in the American Inns of Court Adopt-a-Barrister program. We were fortunate to "adopt" Barrister Colin Witcher, of Middle Temple, London. In addition to gamely participating in a pupilage group skit about the 30 year history of *Batson* challenges, Witcher gave an enlightening and entertaining talk on jury selection in Great Britain.

Witcher's week in the Pacific Northwest was very full. He observed proceedings in both of our state and federal trial courts, travelled to Olympia to observe oral arguments in the Washington State Supreme Court, and attended a first year Torts class at Seattle University School of Law as well as a lecture on bias in jury selection. We thoroughly enjoyed his visit.

Borrowing a great idea from the William K. Thomas Inn in Cleveland, Ohio, the Bryan Inn has started a



Past presidents of the Robert J. Bryan Inn are, seated left to right, Susan Caulkins, Hon. Robert J. Bryan, Hon. Karen Seinfeld (Ret.), Cheryl Robbins Berg, John Ladenburg Sr., and Hon. Garry Alexander (Ret.). Standing left to right, are Hon. Thomas Felnagle (Ret.), Jill Haavig Stone, Christopher Keay, Ross Burgess, Hon. Karen Strombom (Ret.), Hon. Susan Serko, Hon. Stephanie Arend, Ed Winskill, Bertha Fitzer, Hon. Vicki Hogan (Ret.), G. Perrin Walker, and Hon. James Orlando.

tradition of creating monthly Past President cards, each featuring the photo and a brief description of a past president and his/her contribution to our Inn. We are also creating a book documenting our 30 year history, and paying tribute to those who have led us on our journey.

Finally, we celebrate our dedication to community outreach. For more than a decade, the Inn has sponsored an annual "Scholarship for Professionalism and Civility." This college scholarship is awarded to a high school senior who participates in and advances to the Washington State finals in the YMCA Mock Trial competition. This year's winner was Vivian Noyd from Wenatchee, Washington. The Inn also presents an annual "Civility Award" to a member of our local bar association who is not a member of our Inn, but exemplifies dignity, civility and integrity in the practice of law. Our deserving 2017 winner was John Felleisen of the Pierce County Department of Assigned Counsel. As we celebrate the 30th anniversary of our Inn, we draw upon the strength of our past to forge an exciting future! ♦

Ball Hunt Schooley American Inn of Court

On June 27, 2017, the Masters of the Bench took the occasion of the term-end social meeting to announce the renaming of the Joseph A. Ball-Clarence S. Hunt American Inn of Court in Long Beach, California to the Ball, Hunt, Schooley American Inn of Court. This Inn was originally named after the highly respected Joseph A. Ball, attorney for the Warren Commission who investigated the assassination of President John F. Kennedy, and his law partner Clarence S. Hunt. Vern D. Schooley, Inn founder and president for the Inn's first 10 years had his name added in recognition of his 25 years of dedicated leadership.

The Masters met preceding the social meeting and unanimously approved the name change. The event was held in the unique law firm restaurant of Keesal Young and Logan, overlooking the Long Beach Harbor.

The recipients of the Inn's 2016–2017 scholarship awards were recognized and Inn president Daniel J. McDonald was thanked for his extraordinary leadership over the past two terms. Incoming Inn president Judge Roy L. Paul was singled out for his leadership in bringing local judges on board and Trish Schooley for her work as editor of the Inn's newsletter. ♦



Those attending a dinner to celebrate the conclusion of the Inn term and name change for the Ball Hunt Schooley Inn, from left to right, are Incoming president Judge Roy L. Paul; Judge John D. Lord; Daniel J. McDonald, Esq.; Vern D. Schooley, Esq.; Judge Lori R. Behar; Judge Debra A. Cole; Hon. Margaret M. Hay; and Judge James D. Otto.



At the Sell Inn's presentation of its Eric W. Springer Award, from left to right, are Mary Kate Coleman, Esq.; Chief Judge Joy Flowers Conti, U.S. District Court for the Western District of Pennsylvania and Inn counselor; Cheryl L. Esposito Kaufman, Esq.; Robert D. Leidigh, Esq., Inn President; Ilene H. Fingeret, Esq.; and Nancy L. Heilman, Esq.

W. Edward Sell American Inn of Court

Ilene H. Fingeret, Esquire was presented with the 2017 Eric W. Springer Professionalism Award at a meeting of the W. Edward Sell American Inn of Court in Pittsburgh, Pennsylvania. The award honors Eric W. Springer, who in 2006 was the Sell Inn's first recipient of the American Inns of Court Professionalism Award for the Third Circuit. Fingeret, a Master of the Bench and a founding member of the Sell Inn, was recognized not only for serving as the Inn's social chair for many years, but also for her recognized compassion and esteemed competency in the practice of estate law. The award honors a member of the Sell Inn whose life and practice display sterling character, unquestioned integrity, and an ongoing dedication to the highest standards of the legal profession and the rule of law. ♦



Get Social With Us!



[www.facebook.com/
AmericanInnsOfCourt](http://www.facebook.com/AmericanInnsOfCourt)



@innsofcourt
#innsofcourt



Members of the winning Chicago Inn team, from left to right, are Larry Kowalczyk, Michael King, Peter Kocoras, Collins Fitzpatrick, Sheri Mecklenburg, Rebekah Holman, Judge Thadeus Wilson, Anthony Schumann, and Andrew Creighton. One winning member of the team, Scott Kozicki, could not attend the dinner.

Chicago American Inn of Court

Each year, members of the Chicago American Inn of Court in Chicago, Illinois, participate in a fun and engaging educational event focused on important ethics issues in the law. Members are seated randomly and each table quickly becomes a team that is presented with four ethics questions to answer. Teams are eliminated at each round until there are only two teams left. The remaining teams are presented with a tie-breaker question.

The winning team had a slight advantage as Collins Fitzpatrick (a.k.a. "The Ringer") won the award in 2016, and had studied the history. The winning team celebrated with their trophy and gift certificate at a restaurant in Chicago. ♦

Richard S. Rodney American Inn of Court

On April 26, 2017, the Richard S. Rodney American Inn of Court in Wilmington, Delaware, hosted Justice Randy J. Holland and his wife, Dr. Ilona Holland, for a celebration of his judicial career and dedicated service to the American Inns of Court. Holland retired from the Delaware Supreme Court in March 2017.

Throughout his 30 years on the bench, Holland wrote more than 700 reported opinions and several thousand case dispositive orders. He is recognized as an expert on state constitutional law.

Holland was president of the American Inns of Court from 2000 to 2004; received the American Inns of Court Lewis F. Powell, Jr. Award for Professionalism and Ethics in 2014 and the A. Sherman Christensen Award in 2007.

Holland's discussion of the importance of the American Inns of Court, both nationally and in Delaware, was the highlight of the evening. ♦

Intellectual Property and Innovation American Inn of Court

The Intellectual Property and Innovation American Inn of Court, a member of the Linn Inn Alliance, is located in the Northern District of New York and once again lives up to its name as an innovative Inn. Six years ago, it was the first Inn to hold electronically joined programs bridging a 144 mile divide between two meeting sites in Syracuse and Albany, New York to hold one joint meeting. Now, again, this Inn has created a new way to make attendance at meetings easier for its members in a district that encompasses 32 counties and covers an area of more than 30,000 square miles. In 2017, the Inn began a highly successful series of roundtable luncheons held simultaneously in Syracuse and Albany.

The roundtable topics are planned and announced in advance of each monthly meeting. Each topic focuses on a current relevant IP development or new case. Materials for the program are emailed to each member prior to the luncheon for advance review. The first 40 minutes of the event are spent networking, socializing, and enjoying lunch. During the subsequent 50 minutes, a presenter discusses the relevant problem or case(s) and prompts discussion from the attendees on the impact of the decision, hypothetical changes in facts and projected outcomes. Each attendee is invited to bring their own perspective and experience to the table. The discussions are lively, highly informative, and each attendee earns one CLE credit.

Evaluations and moderator comments from each roundtable are collected and later reviewed by the Inn administrators and program committee. It is noted that despite the distance in the locations, the discussion, evolutions of facts and hypothetical outcomes align and frequently overlap each other, which speaks to the quality of the programs and preparation by the moderators.

With predictable scheduling, Inn members are able to plan in advance and accomplish networking, education, dining and camaraderie all in the course of 1.5 hours per month. Consequently, the luncheon roundtables are well received and will become a permanent part of this Inn's programming. ♦



IP and Innovation Inn members attend a luncheon roundtable in Albany, New York.

Gus J. Solomon American Inn of Court

The 2016–2017 year was another successful one for the Gus J. Solomon Inn of Court in Portland, Oregon. This year's program theme was "Locally Sourced." Each monthly CLE presentation focused on an issue arising in or greatly affecting the City of Portland. The theme lead to a diverse range of presentations that generally fell into two categories: local issues with national implications or evolving issues facing the Portland-metro area. The former category included presentations on parental rights in surrogacy cases, the Portland Police Bureau and the U.S. Department of Justice, the local ramifications of President Trump's "travel ban", and the impact of negative social media reviews on lawyers. The latter category included Portland's ever-growing homeless population, Portland's current gentrification and resulting housing crisis, and the new frontiers of the so-called "sharing economy." As has become the hallmark of the Solomon Inn, the multi-media presentations blended a wealth of information with healthy doses of humor and creative costumes.

On June 20, the Inn held its annual end of year dinner, which allows members to get to know each other in a relaxed social setting. At the dinner the Inn honored Judge Anna J. Brown, who received the American Inns of Court 2017 Professionalism Award for the Ninth Circuit. Brown has been a judge for the U.S. District Court for the District of Oregon since 1999. She is a former (and, hopefully, soon-to-be returning) member of the Solomon Inn.

Brown spoke about her experiences as an Inn member. She then recounted the circuitous route she took to law school and the hurdles she overcame as a woman in a male-dominated profession. She also noted that she is only the third—and most-recently appointed—female judge in the U.S. District Court for the District of Oregon. Brown expressed hope that more women are appointed to the federal bench.

The Gus J. Solomon Inn of Court had a great year and we look forward to 2017–2018.◆

American Inns of Court 2017 Pegasus Scholarship Recipients Selected

The American Inns of Court is pleased to announce that Devon Slovensky and Scarlet R. Smith have been selected as Pegasus Scholars for 2017. They will travel to London and spend six weeks studying the English legal system beginning October 2, 2017.



Devon Slovensky

Devon Slovensky is a staff attorney with Blue Ridge Legal Services in Roanoke, Virginia. In just over three years, she has advised or represented in more than 600 landlord/tenant, domestic, estate planning, and consumer/bankruptcy matters, benefiting more than 1,500 community members. Slovensky earned her undergraduate degree in economics and government from the University of Virginia, where she was an Echols scholar; and her J.D. from George Mason University School of Law. During law school, she interned at the National Center for Adoption Law & Policy in Columbus, Ohio, where she conducted an in-depth review and analysis of each state's laws regarding the reinstatement of full parental rights after prior termination by court order. After graduating from Mason, she worked as a legal researcher for Judge Leslie Alden.

Slovensky is immediate past president and a statewide board member of the Virginia Women Attorneys Association. She is a member of the Ted Dalton American Inn of Court, the Roanoke Bar Association, and the Virginia Trial Lawyers Association. She has gained additional professional training from the National Trial Advocacy College at the University of Virginia and the National Institute for Trial Advocacy. She cycled across the country in 2008 as part of Bike and Build, which constructed affordable housing in communities across the country.



Scarlet R. Smith

Scarlet R. Smith is an associate attorney at the Salt Lake City law firm of Strong & Hanni. She graduated magna cum laude from the University of Nevada, Las Vegas, with a degree in psychology and Italian studies. Smith earned her J.D. with honors from the University of Utah, a joint degree program with a master's in public administration. She served as executive footnote editor and staff editor for the Utah Law Review and was a semifinalist in the Traynor Moot Court Competition. She was recognized with several writing and leadership awards, including the National Pi Alpha Alpha Student Manuscript of the Year.

Smith has worked as a judicial extern and a law clerk at the Utah Court of Appeals, as well as a judicial extern for two judges on the U.S. District Court for the District of Utah. She also participated in the American Inns of Court National Advocacy Training Program. She is a member of David K. Watkiss-Sutherland II American Inn of Court and sits on the board of Women Lawyers of Utah.◆

THE
Pegasus Scholarship
TRUST



Boston American Inn of Court

The Boston American Inn of Court hosted its inaugural public service event on May 6th at the Pine Street Inn, in Boston, Massachusetts. The Pine Street Inn provides a comprehensive range of services, including permanent supportive housing, meals, job training and placement, emergency shelter and street outreach to more than 1,900 homeless men and women each day. Boston Inn members—lawyers, judges, and academics—swapped their gavels, laptops, and smartphones for aprons, knives, and cutting boards, to help prepare meals for the Pine Street Inn guests. After putting in kitchen duty in the morning, Inn members toured the facility to learn about the organization's mission and good work. Founded in 1969, Pine Street is the largest resource for homeless men and women in New England.

The Inn has brought together a strong cadre of Boston's best and brightest members of the bench, bar, and academia as the 100th Inn of Court since 1990. Now more than one hundred members



Boston American Inn of Court members at the Pine Street Inn, in the front row, from left to right, are Corri Hale, Dean Mazzone, Donna Patalano, and guest Matt Patalano. Standing, from left to right, are Inn members Matt Tuttle, Helen Listas, Jack Zanini, Judge Rosemary Connolly, Bernard Posner, Judge Barbara Pearson, and Liz Bostwick.

strong, the Inn's mission is to share experiences among the diverse factions of the bar, encourage professionalism, and promote ethical conduct. ♦

Canakaris American Inn of Court

In recent years, the Canakaris American Inn of Court of Pinellas County, Florida, has made pro bono a high priority and requirement for its members. In Pinellas County, more than 130,000 residents live below the federal poverty line and approximately 20 percent qualify for legal aid at the standard set by the Florida Bar Foundation of income below 125 percent of the federal poverty level. In 2016, of the 12,007 family law cases filed in Pinellas County, 9,764 involved pro se petitioners and 10,566 involved pro se respondents.

To help the overwhelming majority of our family law litigants, we require one of three methods of contribution to our county's legal aid organizations: (1) is to take a pro bono case either as an attorney advocate or guardian ad litem; (2) is to sign up for one or more attorney advice clinics; and (3) is a monetary donation to either a local legal aid organization or domestic violence shelter.

Our 65 private attorney members completed more than 200 hours of pro bono service

through our Inn of Court. These hours are above and beyond regular contribution to our legal community. We also had our mental health professional partners volunteer to take pro bono assignments as Guardian ad Litem's, family counselors, and mental health evaluators.

With an overwhelming amount of our community unable to afford basic needs, let alone legal services, we have expanded our community service beyond our pro bono requirements. We have three done-in-a-meeting type projects for members to donate. We have a food drive in the fall, toy drive in the winter, and a clothing drive in the spring. We place pupilage groups in charge of organizing each drive—including friendly competition among all of our pupilage groups. This past year, we collectively donated 225 toys to Toys for Tots, 193 pounds of canned food to a local charity, and clothing items for a local clothing charity.

In our Inn, we like to challenge our members not only to foster career growth but to connect and give back to our local community. ♦

Benjamin Franklin American Inn of Court

This spring, the Benjamin Franklin American Inn of Court in Philadelphia, Pennsylvania, performed what may be the world's first rap musical patent ethics presentation, "Alice in Hamilton". The presentation included karaoke performances of the Inn's lyrics to music from the Broadway musical *Hamilton*. The musical used 10 songs to delve into issues of attorney advertising, fee-splitting with non-lawyers, over-promising results, unmeritorious filings, overbilling, competence, inadequate client communications, diligence, substance abuse, and reciprocal discipline.

Lyricist and former Inn president Stewart Wiener, inspired by *Hamilton*, transformed historical characters into present-day legal practitioners to address very real ethical problems. Hungry patent attorney Alex Hamilton tries to grow his software patent boutique firm in the wake of *Alice Corp. v. CLS Bank*, the U.S. Supreme Court's 2014 decision that rendered many software inventions ineligible for patent protection. Hamilton makes misrepresentations in advertisements and solicits work that his firm has neither capacity nor expertise to

perform. Hamilton is unable to keep up his clients' work, resorts to alcohol abuse, and is ultimately suspended for five years. Like the founding father, Wiener's Hamilton is ambitious but his inability to recognize his limitations leads to his downfall; his colleagues try to intervene, but are not forceful enough to save Hamilton.

Each song prompted discussion on balancing the demands of modern legal practice and duty to protect the clients' interests. The discussion included steps to identify when colleagues may have substance abuse problems, reporting mechanisms within the firm, and steps to take to advise and protect clients when abuse problems are discovered.

Lin-Manuel Miranda's rapid-fire phrasing proved to be a challenge for the pupillage group's members, all making their debut as rappers. The team was fortunate to have coaching assistance from several of their *Hamilton*-obsessed children, whose expert knowledge of the show earned them singing roles in the Inn's presentation. ♦

Joint Meeting of Bankruptcy and Matrimonial American Inns of Court Held in Pittsburgh

The Judith K. Fitzgerald Western Pennsylvania Bankruptcy American Inn of Court and the Matrimonial American Inn of Court assembled in Pittsburgh, Pennsylvania, for an instructive program. The production was a collaborative effort of both Inns delving into some uncertain

issues and traps for the unwary that sometimes arise when the two areas of the law intersect.

The session was modelled after the long-running television gameshow, *Family Feud*. To further lighten the sometimes-weighty matters in consideration, the performers took on the personae of certain pop culture figures including celebrity personalities from the Kardashian family and several prominent hip-hop performers. Bankruptcy Judge Gregory Taddonio played the role of game participant, Eminem, and Judge Kim Eaton of the Allegheny County Court of Common Pleas acted as the game's host, Steve Harvey. After the performers brought a legal issue into focus, a panel of experts composed of Robert O. Lampl and John Steiner provided scholarly commentary. Kenny Steinberg and Richard Julius each presented a short "commercial" to the group, underscoring practical realities of bankruptcy and family law practice to comedic effect. The members of the Inns concluded their evening together with a social event that included dinner and cocktails. ♦



Participating at the event, from left to right, Judge Gregory Taddonio as Eminem; Mary Sue Ramsden as Nicki Minaj; Jeremiah Vandemark as Kanye West; Judge Kim Eaton as Steve Harvey; Ashley Folio as Kim Kardashian; Michael Hughes as Khloe Kardashian; Abby Steidl as Kylie Jenner; Meghan Zupancic as Kourtney Kardashian; Pernille Franmar as Caitlyn Jenner; and seated in the background, panelists John Steiner and Robert O. Lampl.

Massachusetts Family and Probate American Inn of Court

On April 7, 2017, everyone who works at the Essex Probate Court was invited to lunch and a recognition reception. The event, sponsored by the Massachusetts Family and Probate American Inn of Court, was the first of its kind for the court. Earlier this year, the Inn also sponsored lunch for employees at the Suffolk Probate Court.

Essex employees who were acknowledged "For Uncompromising Excellence, Dedication and Leadership in the Pursuit of Justice for the people of Essex County", included Ralph E. Finck, Esq., Assistant Judicial Case Manager (AJCM); Nancy Deady, Operation Supervisor; Omayra Thistlewood, Operation Supervisor; David Queenan, Probation Officer; and Beverly Johnson, Probation Officer. Those honored were selected internally by the court.

The Inn's mission of civility and community outreach, mentorship and education are core principles. Looking beyond our cases to the people who keep the courts open and justice administered is long overdue for recognition. This is especially so in the high-stakes probate court where critical family matters are litigated daily.



Essex Probate Court employees who were honored by the Massachusetts Family and Probate Inn are, standing from left to right, David Queenan, Probation Officer; Pamela Casey O'Brien, Register; Beverly Johnson, Probation Officer; Jennifer MR Ulwick, First Justice; Nancy Deady, Operations Supervisor; Omayra Thistlewood, Operations Supervisor; Brian Monaghan, Chief Probation Officer; and Ralph Finck, Assistant Judicial Case Manager. Seated in the front is Sally R. Gagliani, Inn president (2016-2017). Photo courtesy of Merrill Shea Photography.

Plans are in the works by the Inn to sponsor this recognition event in other county probate courts in the future. ♦

Pauline Newman Intellectual Property American Inn of Court

On Friday May 19, 2017, the Pauline Newman Intellectual Property American Inn of Court in Alexandria, Virginia, presented a science, technology, engineering, and mathematics (STEM) outreach program for a class of first grade students at Hayfield Elementary School in Alexandria, Virginia. The 2017 STEM outreach program focused on the scientific method, and began with a discussion of what the scientific method is, and what it means to be a scientist. The students were then divided into groups where they conducted experiments under the leadership of members of the Newman Inn. The experiments were designed to pose different questions to students, which could be solved or better understood through the application of the principles of the scientific method.

The STEM outreach program's first experiment was designed to teach the students about the properties of oil spills as well as different methods used to clean a body of water and animal life affected by an oil spill.

The next experiment was designed to get the students to think critically about the effects of gravity. During this experiment, the students select objects of different weights, sizes and shapes. The students then were asked to predict which object would fall the fastest under the force of gravity.

The student's teacher, Samantha Testa, commented that the day was a great success, and that her "students were engaged and actively participating in the conversations and observations with their mentors. Being able to apply their background knowledge directly to the activities made this day memorable and meaningful to my students and their learning."

The 2017 STEM outreach program was the second STEM outreach program sponsored by the Newman Inn. The Inn plans to continue its development and expansion of these programs over the coming year. ♦

Tampa Bay American Inn of Court

The Tampa Bay American Inn of Court presented Sheila D. Norman, Esquire with its annual Lincoln Award on May 9, 2017. The award is the Inn's most prestigious and honors a member who best exemplifies the Inn's goals in promoting legal excellence, civility, professionalism, and ethics in the practice of law. Norman is a board certified bankruptcy attorney in Tampa, Florida, and has represented the Tampa Bay Inn in an Amity Visit to the British Inns of Court and at the American Inns of Court annual Celebration of Excellence at the Supreme Court of the United States. She is a consummate professional in and out of the courtroom and uncommonly passionate about professionalism in the practice of law. She spearheaded the efforts to achieve and maintain platinum status for two Inns in the Achieving Excellence program and is a member of the Florida Bar Code and Rules of Evidence Committee.



Judge Caroline Tesche Arkin, Sheila D. Norman, Esq., and Judge Kim Hernandez Vance, Inn president.

Norman is a true leader in the Inn and has earned the respect and gratitude of her peers. ♦

Earl Warren American Inn of Court

As Inns grow, they often develop traditions. For the Earl Warren American Inn of Court of Oakland, California, one of those traditions is presenting a musical program in the fall. This practice



Judge Carol S. Brosnahan and James J. Brosnahan, Jr.

started with Judge Carol S. Brosnahan, a founding member and James J. Brosnahan, Jr., who received the 2007 American Inns of Court Lewis F. Powell, Jr. Award for Professionalism and Ethics. It was not unusual for the October pupillage group to attend its first meeting and be presented with a theme or a song that the Brosnahans had written over the summer. These programs were not only loved by our Inn, but were also recognized on the national level with Outstanding Program awards in 2008 for "Scamalot-Lawyers Gone Wild" and in 2011 for "Lies and Falls."

This year, at our end-of-year banquet in June, the Inn recognized the Brosnahans' long legal careers and dedication to the Warren Inn. Both current members and alumni jumped at the chance to honor them. An original song was composed by an Inn member and performed live in their honor. ♦

2017 Temple Bar Scholars Announced

The American Inns of Court is pleased to announce the selection of four law clerks to be 2017 Temple Bar Scholars®. The scholars will spend a month in the United Kingdom, visiting Inns of Court and other landmarks and meeting with members of the British bench and bar. Upon their return, the scholars prepare a written report about what they learned during their stay. The 2017 Temple Bar Scholars are J. Joel Alicea, Gerard J. Cedrone, Alex Potapov, and Thomas G. Sprankling.



J. Joel Alicea is a clerk for Associate Justice Samuel A. Alito of the Supreme Court of the United States. Alicea is an alumnus of Princeton University, where he graduated summa cum laude with a degree in politics. He is a member of Phi Beta Kappa and was awarded the Harold Willis Dodds Prize as the senior who best embodies the characteristics of clear thinking, moral courage, and a judicious regard for the opinions of others. Alicea earned his J.D. cum laude from Harvard Law School, where he served as president of the Harvard Federalist Society and Notes Editor of the *Harvard Journal of Law & Public Policy*. He received the Dean's Award for Community Leadership. In his personal statement for the Pegasus Scholar application, Alicea wrote of growing up in West Germany, Puerto Rico, and Mexico, and key world events that inspired his interest in foreign relations law.



Gerard J. Cedrone is a clerk for Associate Justice Elena Kagan of the Supreme Court of the United States. A magna cum laude graduate of Brown University with a bachelor's degree in economics, Cedrone is a member of Phi Beta Kappa and served as Secretary-General of Brown's Model United Nations team. He earned his J.D. from Harvard Law School, graduating magna cum laude, and served as executive editor of the *Harvard Law Review*. Cedrone has worked as a trial attorney for the U.S. Department of Justice, Civil Division, and has also served as law clerk to the Honorable Neil M. Gorsuch when he was on the U.S. Court of Appeals for the Tenth Circuit. In his personal statement, Cedrone wrote of how his Model U.N. involvement allowed for the opportunity to connect and forge understanding with people of different backgrounds.



Alex Potapov is a clerk for Associate Justice Samuel A. Alito of the Supreme Court of the United States. A graduate of Harvard University, he earned his bachelor's degree in social studies magna cum laude and was national champion of the American Parliamentary Debate Association. Potapov worked for five years as an associate at the law firm of Robbins, Russell, Englert, Orseck, Untereiner & Sauber; and for two years as an assistant solicitor general in the Office of the Texas Attorney General before beginning his current clerkship. Potapov was born in the Soviet Union and is a native Russian speaker. In his personal statement, he described avidly following legal and political developments in Russia since his family's emigration to the United States; and notes that American judges enjoy far more independence than do jurists in his native country.



Thomas G. Sprankling is a clerk for Associate Justice Anthony M. Kennedy of the Supreme Court of the United States. Sprankling earned his B.A. with distinction in history and politics from Pomona College, where he served as editor-in-chief of the college's political magazine. He was a Pomona College Scholar and earned the George S. Burgess Prize in Constitutional Law. At Columbia Law School, where he earned his J.D., Sprankling was a James Kent Scholar and received the Ruth Bader Ginsburg Prize and the Charles Bathgate Beck Prize. He served as executive articles editor of the *Columbia Law Review*. Sprankling worked for three years as an associate at Wilmer Cutler Pickering Hale and Dorr, LLP; and served as a law clerk for the Honorable Alex Kozinski on the Ninth Circuit U.S. Court of Appeals. He looks forward to learning more about how the solicitor/barrister arrangement of the English legal system works in practice. ♦

THE
Temple Bar
 SCHOLARSHIPS®



PHOTO CREDIT: @iStockphoto.com/ehblake

Planning to Start Your Law Firm

By Dirk Jordan, Esquire

Are you looking for a change? You may be in a large firm and tired of dealing with large-firm bureaucracy or losing clients to conflicts. Or you have always had a desire to start your own business. Perhaps you cannot find a good job in an existing law firm. If you are in one of these positions, you may want to consider starting your own firm. Below are some issues to consider and decisions to make before launching your new venture. Remember, this has been done before: 70 percent of all lawyers in the United States practice in firms of five or fewer.

Key take-away point: It is not what you make, it is what you keep. Keep your overhead low.

Questions to Ask Yourself

- Are you self-sufficient? Can you do tasks without help or direction?
- What is your risk tolerance?
- Are you a self-starter? Are you disciplined? Can you manage your time and get things done without someone watching over you?
- If you have a significant other in your life, are they supportive of your proposed venture?
- Do you have enough money saved so you can make it for several months before cash flow rises to a comfortable level? Do you have debt? Can you get a line of credit from your bank?
- Do you have a business plan? Do you have goals and a road map on how you will get there? How are you going to get clients in the door? What is your position in the market? How much competition do you have in your space?
- Do you need employees? Why?

Decisions to Make

Entity choice

You can choose to form a PLLC, an LLP, a PC, or act as a sole practitioner. The choice of entity is driven by whether you are practicing with someone else, tax considerations, and the desire for simplicity.

Partners and colleagues

I practice on my own. If you choose to practice with others, realize that friendships can be ruined when you start a business together. You may have different work styles, goals, and ability to bring in business. These differences can lead to conflict and disillusionment. I have witnessed several law firm divorces, and they can be ugly. Discuss your expectations and goals with your prospective partners and determine if you are on the same page or can work together in spite of your different strengths. You may choose to remain friends rather than business partners.

Make sure you get your partnership/membership agreement in writing. Plan for the end from the beginning. Get your prenup done now while you still like each other.

Office location

Where will you practice? Many lawyers (25 percent) practice out of their homes to keep the overhead low. This makes sense for some practices, but if you practice in criminal defense or family law, you may want to think twice about this option.

Office sharing is common with lawyers and other professionals renting space in the same house/building. You may be a sole practitioner, but you have other lawyers available for advice and referrals.

Traditional Class A space in tall buildings is expensive, but your target clientele may expect it.

On a more global scale, do you want to be in a small town or large city? Do you want to be downtown or in a suburb? This depends on who your target clients are and what they expect their lawyer's office to look like.

Financial

Get a tax ID for your business. It takes five minutes on irs.gov and is needed to open bank accounts.

You need three bank accounts. One firm operating account, one firm Interest on Lawyers Trust Account, and at least one personal account. Keep the funds separate from each other. The money in the IOLTA account is not yours until it is earned.

Consider a line of credit at your bank. Hopefully you have a relationship and a track record with a bank that knows you and will extend an unsecured line of credit.

Learn how to use accounting software, or use one of the many cloud-based practice management options that are available.

Learn to track your time on your computer.

Send your bills out the first of every month. Be consistent with this practice.

Consider taking credit cards. Make it easy for clients to pay for your services.

Get malpractice insurance. You need to have insurance to protect your assets. It is worth the peace of mind.

Other insurance. Health and business insurance. Think about your options. Take the time to shop your business to various vendors.

Technology

HARDWARE

Computer.

- Mac v. PC. I use Macs exclusively.
- Desktop v. laptop. A desktop is your basic workhorse and is cheaper than laptops. Laptops are mobile (of course). I have both.

Printer. Even with a paperless office you need a printer. I recommend a laser printer.

Scanner. You need one if you are going to go paperless, plus it is necessary for e-filing. I use the Fujitsu ScanSnap ix500, which works on PC or Mac.

Extra monitor. They are inexpensive and will give you lots of screen real estate.

External hard drive. Back up your computer. Use redundant systems backup systems, including cloud-based back-ups such as Backblaze and Crashplan. I have had a hard drive crash with all of my data, and I did not have it backed up. Imagine the distress.

Tablet. Good for reviewing deposition transcripts and marking on documents, but not a necessity.

SOFTWARE

Microsoft Office. Word is the most commonly used word processor out there, and Outlook, Excel, and PowerPoint are included.

Adobe Acrobat Professional. Acrobat is the gold standard. It helps you manage PDFs when you scan documents into your computer.

Timekeeping software. You can use cloud-based firm management software or buy a program for \$50 once. I use OfficeTime.

Office management software. Options include Clio and Rocket Matter, which are good and getting better. They are overkill for a solo practitioner.

Calendar. There are many good calendars available that sync between all of your computers and devices. I recommend Fantastical 2.

To-do list. Again, many good ones out there. Get one that syncs between devices and computers so you only have to make one entry.

Accounting. I use QuickBooks, but there are others.

Email. Whatever you do, do not use Gmail as your primary office email client. Your Gmail is read by Google. They have said so. They have stated that you have no expectation of privacy if you use Gmail. I use Apple Mail and Outlook.

Cloud storage. Dropbox, Box, and others. It makes mobile lawyering possible. You may want to use encryption software as well.

Practice tips

Keep a regular schedule. Be at your desk by 8:30 am and available during working hours for clients to contact you.

Respond to all calls and emails within 24 hours. Even if you cannot give a response, let the sender know that you received their call/email and will get back to them. No one likes to be ignored.

Be courteous and professional with everyone. It will enhance your reputation.

Keep a healthy balance (whatever that means to you) between work and life. Work can swallow up your life as an entrepreneur. Spend time exercising and maintaining your health.

Be conversant with how to use technology. It is now an ethical duty to do so, and it will make you more efficient. ♦

Dirk Jordan, Esquire has been a solo practitioner for 16 years, and serves on the American Inns of Court Board of Trustees. He is an adjunct professor at the University of Texas School of Law where he teaches classes on the business aspects of the legal practice. He is a member of the Lloyd Lochridge AIC in Austin, Texas.



Good Things Come in Small Packages

John A. Elzufon, Esquire and H. Garrett Baker, Esquire

A great mentoring program is essential to any good law firm. Today's mentees are tomorrow's attorneys, and constitute the future of the firm. Firms of any size should provide a setting for training and professional growth for junior attorneys—but smaller firms may be better positioned to provide mentoring experiences that are meaningful to both mentor and mentee.

At large firms, mentoring opportunities are essentially built into the hierarchy; summer and junior associates are typically assigned to specific partners on designated assignments. While this provides associates with readily identifiable individuals to whom they can look for guidance, they may have less opportunity to meet their colleagues in other departments of the same firm. Often, the largest of firms are spread across different geographic regions and it may not be feasible to know everyone within the firm and across various specialties. Further, the scope of assignments may be limited in large firms: Junior and senior partners generally assume responsibility for major portions of the case, while associates perform more research-oriented or "behind-the-scenes" tasks.

While smaller firms may not have the same capacity for mentoring, the opportunities for professional growth and experience may be even more meaningful. First, mentees and associates can become familiar with diverse practice areas and with the specialties of firm members other than

their assigned mentors. Due to the smaller base of operations, everyone quite literally gets to know everyone else. Even while working in a given legal specialty, associates have the chance to familiarize themselves with other areas of the law in a more holistic legal experience.

Small firms also may be able to offer an "open-door" policy that makes senior attorneys more approachable. Junior attorneys can workshop a question, an approach to an assignment, a legal theory, or any other matter of concern informally through face-to-face discussion with senior members of the firm even if they are not assigned to each other.

This opportunity to bounce something off of a more experienced attorney informally is not only less intimidating but highly educational. Junior attorneys can ponder the issue and formulate their own sense of what solution might be best before asking more seasoned practitioners for confirmation. As senior attorneys, the authors have found that first asking the junior attorney, "What do you think?" can be very affirming: Mentees can offer their own thoughts about important aspects of the case and then seek guidance, rather than simply implementing strategies that have been handed down. Junior attorneys learn that their perspective is valued and to form their own judgments, rather than just relying upon the judgment of others, which also helps to build confidence.

PHOTO CREDIT:
@iStockphoto.com/
Alex Rath

In smaller firms, junior attorneys often can play more active roles in cases earlier in their careers. Depositions, motions, hearings, and even trials are often reserved for junior and senior partners in large-firm settings. In smaller firms, however, newer lawyers by necessity play a more active and central role in litigation.

One of the authors had an experience in his own practice where this proved true. One of Elzufon's most satisfying mentoring experiences occurred about 15 years ago when he decided to let one of his associate attorneys take "first chair" in a medical negligence case. Although her trial experience was limited and none of it in professional liability/medical malpractice, she had performed admirably as an associate and she knew the case file well. Damages were limited because of the nature of the injuries; even in the worst of circumstances the verdict would never exceed policy limits.

"There was no doubt in my mind she was ready for a trial as 'first chair,'" he says. He told the carrier that he wanted her to first chair the case, but that he would be at counsel table and be ready to step in if he thought that matters were not proceeding well. He also agreed not to bill at all for his time. The carrier said that was fine as long as the doctor agreed, which he did.

"I told the associate this was her trial. While I was there to give advice if requested, I would not volunteer any suggestions and all decisions were hers and hers alone. This was truly her trial," Elzufon says.

The junior attorney was a bit shaky at first, but her confidence grew with each passing day. When it came time for closing argument, she presented with all the poise of a seasoned veteran.

"Watching the growth of this attorney before my eyes was one of my more satisfying professional experiences. By the way, she won the case," Elzufon says. He sacrificed a week of his time and the firm took a financial hit, but it was worth it. As a side note, the judge who presided over that trial cited the case staffing as a model of how mentoring should be done.

Elzufon's co-author, Baker, was tasked with arguing an appeal before the Supreme Court of Delaware only 18 months after being admitted to the Delaware bar. While this would be a daunting task for any new attorney, it was even more so given that the appeal was based on an evidentiary issue and to which no objection had been raised by former counsel during trial. As such, a plain error standard applied on appeal. Nevertheless, it was

very meaningful to know that the senior attorneys entrusted that assignment to him.

"Of course, I worked harder on it than anything I ever had, but ultimately was able to prevail and convince the Court that the matter should be remanded for a new trial based on that error" he says.

Junior attorneys in smaller firms may get more exposure to the individuals or entities that the firm is representing. Representation of clients is, of course, any law firm's reason for being. Management of client needs and expectations is an important training ground for junior attorneys. The best way to learn how to counsel and assist a client in terms of legal needs and issues is to actually meet with the client and learn how to be of service.

In the authors' view, there is no better teacher than experience. While it is of course important to have a firm textbook understanding of the fundamental theories of law, it is only through implementation and putting those theories into hands-on practice in a real setting that junior attorneys can gain a holistic understanding of those principles and their application.

The importance for firms of all shapes and sizes to emphasize and implement strong training programs for junior attorneys cannot be overstated. However, there is much to be said about the quality of the on-the-job training provided in smaller firms, where staffing resources demand that junior attorneys play more active and leading roles in the development of cases at all stages. In that setting, attorneys obtain front-row, hands-on, practical training that prepares them to step in and confidently handle any aspect of a case. ♦

John A. Elzufon, Esquire, is founder and Senior litigator of Elzufon Austin and Mondell in Wilmington, Delaware. H. Garrett Baker, Esquire, is a director in the workers' compensation department of Elzufon Austin and Mondell. He is a founder and president of the Randy J. Holland Delaware Workers' Compensation AIC.

The importance for firms of all shapes and sizes to emphasize and implement strong training programs for junior attorneys cannot be overstated. However, there is much to be said about the quality of the on-the-job training provided in smaller firms, where staffing resources demand that junior attorneys play more active and leading roles in the development of cases at all stages.



The Benefits and Challenges of Our Solo and Small Firm Practices

By Julie E. Bates, Esquire

The best thing about my solo practice is that every year I'm Attorney of the Year," my husband has often joked.

After graduating from law school, he hung out a shingle in his hometown and never looked back. However, my path as an attorney took a much different route: I went from a large firm to a small one, and later to solo practice. I worked five years at a downtown high-rise firm until a recession resulted in 15 lawyers, including me, being laid off. At the time, I was four months pregnant. Try finding a new job in that condition!

An interesting thing happened, though. After our son was born, I was surprised to discover my love for being a stay-at-home mom, despite the financial challenges of morphing from a double-income-no-kids couple ("Dinks" for those who remember) into a family with one income.

After a year at home, I began working part-time for a small firm. It was legal heaven. I loved getting back into law and enjoyed great working relationships with the five full-time attorneys who composed the rest of the firm.

With the birth of our second son, I again changed my game plan, and—with the support of my amazing husband—I returned to both 24/7 mommy-ing and a tight one-income budget, this time with a family of four. Challenge accepted.

When our sons were in first and fourth grades, I began a solo, part-time practice from my "home office" (a.k.a. my desk in the kitchen). I intended to work only hours that matched the school calendar. That plan didn't go as smoothly as I'd hoped, but it was a good fit for me. I didn't take on litigation-driven cases where my time wouldn't be my own. I was able to plan and schedule most of my legal work around summer, Christmas, and other school breaks. When that wasn't possible, I made play-date arrangements for the boys until they were old enough to become interested in what I did, and wanted to come with me.

However, what was best for my family isn't for everyone. We made choices that, for the most part, worked well for us, but I don't want to imply that we lived a rosy, carefree existence. Benefits and challenges drive the continuing struggle of work-

PHOTO CREDIT:
©iStockphoto.com/
almagami

life balance for most lawyers, regardless of the size and scope of their practice.

For my husband and me, the benefit of our solo and small-firm practices was the flexibility of our time. Among other things, we could usually control our schedules so that one or both of us were able to attend our children's ball games, plays, other school events, and Scouting activities.

Our constant challenge was money. When I stayed home full-time, and when I worked part-time as our kids were growing up, our income wasn't nearly what it had been as young lawyers. The reduction in finances meant that instead of delegating jobs to a staff, we were our own janitors, I.T. department, accountants, and—well, you get the picture. Living on a greatly reduced income required re-thinking the financial comforts that we, as Dinks, had envisioned. The money pinch felt terribly difficult at the time, yet now we rarely think about it. Really.

Fast forward to 2017. Even though our children have flown the nest, I continue to lawyer only on a part-time basis, and devote other waking hours to matters near and dear to my heart, including the Ruth Bader Ginsburg American Inn of Court.

Somewhere along the way of my ever-changing work situation, my mother, Gloria Bates, convinced

me to help her start a new Inn in Oklahoma City. It became more work—and more fun—than we ever anticipated. Mom started law school in her forties; upon graduation, she clerked for a federal judge, then went into practice with her former law school classmate, who happened to be my husband! She later became a judge herself. Now retired, she considers founding the Inn to be her greatest contribution to our legal community.

I'm glad I made time in my life for the Inn. My membership has resulted in a benefit that I never imagined years ago. In suburban solo practice, I felt somewhat secluded from interactions with other lawyers and judges. Participating in the Inn kept me in regular contact with the bench and bar, and continued to widen my circle of legal friendships, thereby enriching my professional life experiences.

Nothing has been more fulfilling in my legal career than the comradeship of working side-by-side with fellow Inn members in efforts to better our profession. And by doing just that, each member of an American Inn of Court is truly "Attorney of the Year."◆

Julie E. Bates, Esquire, practices law in Oklahoma City, Oklahoma. She is an Emeritus member and co-founder of the Ruth Bader Ginsburg AIC.



**APPLICATIONS DUE:
October 15, 2017**

 **AMERICAN
INNS OF COURT®**

Apply Now for a 2018 American Inns of Court Pegasus Scholarship

The American Inns of Court® is pleased to offer an invaluable experience to talented young American lawyers. Through the Pegasus Scholarship Trust, two Inn members travel to London, England, for six weeks to study the English legal system. All members admitted to the bar in the past few years are encouraged to apply for this "once-in-a-lifetime" opportunity.

Pegasus scholarships provide opportunities for young American lawyers to visit London and learn first-hand about the English legal system by working directly with English barristers and judges.

Please visit www.innsofcourt.org/PegasusScholarships to apply.

THE
Pegasus Scholarship
TRUST



Experience and Observations of a Founding Member of the American Inns of Court

By M. Dayle Jeffs, Esquire

In 1979, my brother and I composed a two-man law firm with primarily local clients. In November, our secretary called me on the intercom and told me, "There is a Sherman Christensen here. He doesn't have an appointment. Do you want to see him?" I replied, "He's a federal judge. Of course I want to see him," and quickly ushered him into my office.

Christensen told me that, in the summer of 1979, Warren E. Burger, Chief Justice of the United States, was vacationing at a cabin in the mountains of Utah. He invited Dallin H. Oaks, the president of Brigham Young University and a former law clerk of the Supreme Court; and Rex E. Lee, dean of the J. Reuben Clark Law School at BYU and a former law clerk of the Supreme Court, to the cabin for breakfast. Lee reported to me that Burger cooked pancakes for everyone while wearing a sweat suit.

Lee told me later that Burger discussed with them his concerns about his observation that the practice of law had become so adversarial that it was losing the dignity of the English practice of law; and seemed to be losing the purpose of finding justice, choosing instead to win at all costs, even loss of integrity, before the courts.

Christensen said that Oaks and Lee, with the approval of Burger, had asked him to spearhead a pilot program to increase professionalism in the legal profession. He said that Burger had spoken at a national conference of the American Bar Association about his concern over the deterioration of professionalism. Christensen said that Burger had visited the Inns of Court in London and had been impressed. Students of the law were housed at the Inns and took their meals in a great hall. At intermittent times, judges and experienced barristers would attend their evening meals. At such times, the judges and barristers would

discuss appropriate practices and issues of law. The judges, barristers, and students would have an open discussion of such matters.

In the meeting with Oaks and Lee, Burger discussed the concept he had been pondering for some years. He indicated his concern with practitioners of the law and the lack of professionalism, civility, and decorum in the courtroom. Burger wanted to foster a program that would embrace or encourage the highest levels of professionalism, competence, and civility and improve the highest traditions of the American legal system. He wanted a program that would be unique and not a supplement to other existing programs. Burger asked Oaks and Lee if they would undertake the development of such a program and they had asked Christensen to serve as its head.

Christensen said he was putting together a pilot program to try to develop some adaptation of that process to address the concerns of the chief justice. Christensen asked me if I would be part of that pilot program. He asked me to take the position of Tribune and I inquired what that would entail. He told me it was like the treasurer. I would manage the finances, keep a record of attendance, send out notices of meetings, etc. I assured him I would be pleased to participate and take such a position.

Shortly thereafter, Christensen called to invite me to a planning meeting. The meeting was held at a local café near the old county courthouse in Provo. Attending the meeting were Christensen, Judge Aldon Anderson, Judge J. Robert Bullock, Christensen's brother, Cullen Y. Christensen, two attorneys, and a student from BYU law school. The attendees discussed what kind of format we could use to meet the goals Burger intended. Christensen did not want the program to be another seminar; as he said, there were plenty

of others doing that. He wanted something that would stimulate those in attendance to discuss issues presented in the program, as Burger had observed in his visit to the English Inns.

In the café meetings, consisting of a group of five or six, we were all requested to submit names of those individuals who might be invited to membership in the Inn and who might contribute to its success, and those who might learn and gain from attendance. It was decided that there would be 12 third-year students from BYU law school as members.

Almost-weekly meetings were called by Christensen through most of 1980, while also holding meetings of those invited members of the pilot program.

During Inn meetings, everyone was expected to express his or her own ideas. Everyone then discussed each comment. It was finally concluded that we should try a format of an evening meal about 6:00 p.m., followed by a demonstration of the topic of the night to last no more than 45 minutes, followed by a discussion by all present, essentially a critique to obtain the points of view of all who would address the issue. Meetings would be monthly during the school year.

The first meeting with a membership of about 40 was in February 1980, followed by meetings in March, April, May, and June. While it was assumed the primary purpose of including a group of experienced trial lawyers and judges was to be a service to the profession, it was somewhat surprising, as we learned from the critiques, that the judges and experienced trial lawyers found a significant benefit from attendance. Because we were dealing with hypothetical cases, there was a free exchange between judges and lawyers (Masters of the Bench) as to what each expected of the other.

Each meeting was an open discussion, with Christensen directing our efforts. We strived to develop an Americanized version of the English Inns of Court that could produce some of the mentoring, congeniality, and uniqueness that those English Inns possess. Christensen felt the necessity to fit the American Inn program into the established structure of American legal education; not as an alternative but as a fine-tuning of trial or conduct issues, done flexibly and harmoniously. He reminded us that there were many programs already in place as part of the American legal education system and bar associations: seminars, litigation organizations, workshops, lecture groups, etc. It was with this in mind that we tried to develop a program that was unique.

We developed a structure similar to a corporate entity, with a judge, counselor to the Inn, president,

and treasurer; and with an executive body to give direction to the presentations. The format featured legal or trial issues demonstrated, followed by a critique with all members participating, asking questions, discussing propriety of positions taken, etc. In the meetings, everyone was expected to express their own ideas. Christensen made us feel that whatever we said was important and was to be considered and discussed freely by everyone present.

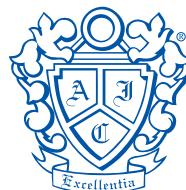
During the first years of the pilot program, we saw that there was no other forum in the profession that afforded the opportunity for a free and frank discussion of principles and issues while maintaining a respectful interchange between the participants. As Christensen said, "The critique portion of each monthly meeting should be jealously guarded for ample input of all present, especially judges and experienced lawyers, so that practitioners and students alike could develop perceptions that a judge can have." He opined that this process would be a further opportunity for the bench to learn new perceptions and ways to improve court administration and courtroom conduct from counsel.

Burger apparently believed that the work of the pilot program had merit to be considered nationally, and for the American Inns of Court to become a national organization.

In 1980, Christensen went to London to experience for himself the camaraderie and distinctiveness of the meetings at the English Inns of Court, with the exchange between judges, experienced lawyers, barristers, and students; and to see how we might adapt that plan to the American Inn of Court that was in progress. He and Burger viewed professionalism as encompassing more than just the improvement of skills and litigation technique; it should include the concepts of integrity, respect for the courts, decorum in the courtroom, civility between lawyers, and defense of the rule of law.

Christensen suggested we should institute some sort of emblem incorporating the Inn's relationship with the English Inns. The emblem was designed by his daughter, who was a skilled calligrapher, to

We strived to develop an Americanized version of the English Inns of Court that could produce some of the mentoring, congeniality, and uniqueness that those English Inns possess.



Continued on the next page.

resemble a British coat of arms featuring the word Excellence, indicating the ultimate goal of the Inn.

In late August 1983, Christensen called to say that Chief Justice Burger was putting together a committee for the purpose of exploring whether the pilot program of the American Inn of Court could go national, and that he had recommended me to be appointed to that committee. About two weeks later, in September 1983, I received a letter from Burger thanking me for my work on the pilot program with Christensen and appointing me to the Ad Hoc Committee on the American Inn of Court of the Judicial Conference of the United States. As an attorney in a very small practice in a relatively small community, I cannot describe the feelings I had in receiving such a letter from the Chief Justice of the United States. I was thrilled.

The first meeting of the Ad Hoc Committee on the American Inns of Court was held at the Supreme Court of the United States in Washington, D.C. The conference room was beautiful, with fine walnut paneling and a T-shaped conference table that could seat 25 or more. There were 17 members, chaired by Christensen. He and Anderson sat at the head of the table with Mark Cannon, Clerk of the Supreme Court, and Lee, who was at the time Solicitor General of the United States. We learned a bit about each other, our backgrounds and present status within the judicial system, as well as the goals and aspirations of Burger and Christensen.

Eight of those 17 members were participants in the pilot program and thus all were from Utah. We explained how having a meal together helped to develop camaraderie and relationships. The meal was followed by a demonstration of the principle subject matter of the evening, followed by a critique period during which the members exchanged thoughts, ideas, or criticism, all with an eye toward how these principles should be conducted in a courtroom and used to further the goals of the American Inn of Court in strengthening professionalism in the broad context envisioned by Burger and Christensen.

After we had been in session for about an hour, Burger came in the room and went to the head table. He expressed his thoughts, feelings, and desires about what the Ad Hoc Committee should accomplish.

As he excused himself, he indicated he was leaving so we could carry out the work we were called there to do. Before he reached the door, all those present gave the Chief Justice a standing ovation. He turned, moved back toward the conference

table, and reached out to shake my hand. As the applause died down, he said in an emotional voice, "This committee may be the most important thing I will have contributed during my tenure as Chief Justice of the Supreme Court." I was close enough to see that he had tears running down his face. He exited the room to another standing ovation.

The Ad Hoc Committee on the American Inn of Court of the Judicial Conference of the United States met quarterly for two years, as did subcommittees given different tasks to help further the development of the American Inn of Court on a national basis. It was a truly remarkable and unforgettable experience. In those meetings, every person who expressed himself or herself was treated with the same respect regardless of experience or status. One subcommittee was assigned to the task of writing a pamphlet to describe how to create an Inn of Court chapter. Its chair, a judge from California, assigned me the task of writing up how to form and establish an American Inn of Court.

It seemed to me that implementing a successful Inn of Court chapter required it to be connected with and supported by an accredited law school. It is also essential to establish a relationship with, and support of, federal and state judges and experienced trial lawyers. Their experience and expertise infuse younger practicing lawyers with the standards demonstrated in the American Inn of Court program; those younger lawyers would learn in an unusual and unique way the respect and commitment fostered by the program.

My experience with the American Inn of Court is probably the most enriching and satisfying experience I have had as a practicing lawyer. It has strengthened my appreciation for our judicial system, the rule of law, our constitutional guarantees, and my overwhelming respect for the great majority of fine lawyers, judges, and our American judicial system.

I have cherished my long association with the American Inn of Court. It has shaped my commitment to its standards and given me the opportunity to urge others to adhere to the same standards. I believe that the American Inn of Court program continues to be a great influence on the legal profession to the commitment to those high standards.

It is my hope that all Inns, numbering nearly 400, will continue to convey the vision of Chief Justice Warren E. Burger in carrying out the goals and purposes of the American Inn of Court program. ♦

M. Dayle Jeffs, Esquire is the founding partner of Jeffs & Jeffs PC in Provo, Utah. He is a founding member and past president of the A. Sherman Christensen American Inn of Court.



The Bencher

The Bencher® is the flagship publication of the American Inns of Court. Authors are invited to submit original feature length articles on the topics of professionalism, legal ethics, civility, mentoring, and other subjects that advance the cause of excellence in the practice of law.



For more information please visit home.innsofcourt.org/Bencher.

You are invited to write an article!

Call for Articles:

Upcoming Issues:

January/February 2018

Theme: Mentoring

Deadline: October 1, 2017

January is National Mentoring Month. Having a mentor in the legal profession can be invaluable. Tell us about a mentor you had and how he or she helped you. Have you ever been "reverse mentored" by a less experienced lawyer? What is your Inn doing to promote mentoring?

March/April 2018

Theme: Checks and Balances

Deadline: December 1, 2017

Our three branches of government serve as a system of checks and balances. How does the system work, in theory, in practice or in the case law? Why is it important to have a fair, impartial, and independent judiciary? Which cases have been significant of protecting the rights of people? Where have the courts failed or succeeded?

Please note: The American Inns of Court remains strictly apolitical. Any article submissions that might be interpreted as political will not be published.

May/June 2018

Theme: Law School Education

Deadline: February 1, 2018

How are law schools educating students and what challenges are graduates encountering? What are the impacts of the cost of legal education? How are law schools providing clinical and experiential learning to law students to further develop their practical legal skills? What are law schools doing to help graduates find jobs? How can the American Inns of Court benefit and help law students and graduates?

July/August 2018

Theme: Enjoying the Practice of Law

Deadline: April 1, 2018

It is important to like what you do. What have you enjoyed about the practice of law in the different stages of your career and why? What have you contributed to the profession and to others? What is your advice for those new to the profession? If you are new to the practice of law, how are you balancing work and life outside the office and what might make that balance easier to achieve.



TECHNOLOGY IN THE PRACTICE OF LAW

Kevin F. Brady, Esquire

Proposed Changes to Federal Rules of Evidence Will Make it Easier to Authenticate Electronic Evidence for Trial

While there was great fanfare for the changes to Federal Rules of Civil Procedure in December 2015, there has been little attention paid to the proposed changes to Rules 803 and 902 of the Federal Rules of Evidence ("FRE"), which could positively influence how parties manage electronically stored information (ESI). The concurrent addition of new subsections (13) and (14) to Rule 902 will enable streamlined authentication of ESI, and potentially eliminate the need to call a witness at trial to authenticate the evidence. The proposed changes are slated to become effective December 1, 2017.

Rule 902 identifies evidence that is "self-authenticating," i.e., information that can be admitted at trial without being authenticated by a witness. Most of the items listed in Rule 902 are self-authenticating on their face, thus requiring no extrinsic evidence of authenticity for the document to be admitted. Other items, such as those listed in Rule 902(11) and Rule 902(12) (records of regularly conducted activity), are self-authenticating only to the extent the party seeking to introduce them into evidence certifies their authenticity, and provides notice to the opposing party giving them a fair opportunity to challenge the certification. The two new subsections, which permit similar certifications to authenticate electronic evidence, may eliminate the need for a live witness to testify as to the authenticity of ESI, thereby streamlining the process at trial. New subsection 13 would address certifying information generated by an electronic process or system, and new subsection 14 would address certifying data copied from an electronic device, storage media, or file. The expense and inconvenience of producing a witness to authenticate an item of electronic evidence is often unnecessary for two reasons: the adversary either stipulates to authenticity before the witness is called or fails to challenge the authentication testimony once it is presented. As currently proposed, the procedure in the amendments to Rule 902, the parties will be able to determine in advance of trial whether a real challenge to authenticity will be made.

The proposed new subsections to Rule 902 are:

(13) Certified Records Generated by an Electronic Process or System. A record generated by an electronic process or system that produces an accurate result, as shown by a certification by a qualified person that complies with the certification requirements of Rule 902(11) or Rule 902(12). The proponent must meet the notice requirements of Rule 902(11).

(14) Certified Data Copied From an Electronic Device, Storage Media or File. Data copied from an electronic device, storage media, or electronic file, if authenticated by a process of digital identification, as shown by a certification by a qualified person that complies with the certification requirements of Rule 902(11) or Rule 902(12). The proponent must meet the notice requirements of Rule 902(11).

The proposals for new Rules 902(13) and 902(14) would have the same effect of shifting to the opponent the burden of going forward (not the burden of proof) on authenticity disputes regarding the electronic evidence at issue. Shifting the burden of questioning the authenticity of such records to the opponent of the evidence (who will have a fair opportunity to challenge both the certification and the records themselves) will streamline the process by which these items can be authenticated, reducing the time, cost, and inconvenience of presenting this evidence at trial or on summary judgment. The proponent of the evidence will continue to bear the burden of establishing a *prima facie* case that the ESI is what it purports to be, and of establishing authenticity if challenged, but will not need to go through the expense and inconvenience of using a witness to establish authenticity in the first instance. The opponent, of course, will be able to object to the admissibility of the evidence on any applicable ground. ♦

Kevin F. Brady, Esquire is of counsel in the firm of Redgrave LLP in Washington, DC. He is the president of the Richard K. Herrmann Technology AIC in Wilmington, DE, and a former member of the American Inns of Court Board of Trustees.

Mr. Smith: 60 Minutes is on the line, now what? OR How to Deal with the Press

Program No.: P13758

Presented by:	The Judge John M. Scheb American Inn of Court, Sarasota, FL
Presented On:	March 14, 2017
Available Materials:	Script, Articles, Citations of Law, Legal Documents, List of Questions, Handouts and PowerPoint Presentation
CLE Hours/State:	1.5 Pending/Florida

Summary

Facilitated by Tom Lyons, *Sarasota Herald-Tribune* reporter and columnist, and Jon Dietz, retired reporter and public defender's office investigator, this program focused on the background processes for preparing news reports and appropriate response to press protocol. The case *The Sarasota Herald-Tribune, Tampa Tribune, and WFLA-TV News Channel 8 v. State of Florida and Joseph Smith*. No. 2D05-5337., 916 So.2d 904, led into further discussion covering relevant gag order ramifications. The presentation concluded with an open discussion about what information can and cannot be disclosed to the press.

Roles

Invocation	Anyone
Introduction	Master or Judiciary Representative
Panelist	Members of Press
Presenters	Subject Matter Expert
Technical Assistant	Subject Matter Expert

Agenda

Invocation and Introduction	Less than 5 minutes
Panel Discussion	55 minutes
Gag Order and Prior Restraint Lecture	20 minutes
Audience Participation	15 minutes

Recommended Physical Setup

Laptop, Projector, Screen, Microphone and Sound System

Submit your Inn Programs!

Submitting your programs to the Program Library helps us deliver convenient, meaningful and up-to-date program information to Inns and other Inn members. With the first program meeting of the Inn year fast approaching, now is the perfect time to start collecting materials for submission.

Electronic submissions are encouraged; please include all materials necessary for other Inns to restage the program. These materials might include a script, supporting documents, research materials, or any handouts.

When submitting a program please include a Program Submission Form, which can be downloaded from our website www.innsofcourt.org. Every program that the national office receives is included in the current Program Library Catalog and helps your Inn along the track to Achieving Excellence.

If you have any questions please call 703-684-3590 or send an e-mail to programlibrary@innsofcourt.org.

The national program library is an important service offered to the Inn membership by the Foundation. This Program Spotlight highlights the best of the program library as an offering to spark your own program creativity. If you would like to order any of the featured programs, please visit our website at www.innsofcourt.org or send an e-mail to programlibrary@innsofcourt.org.

AMERICAN INNS OF COURT • 225 REINEKERS LANE, SUITE 770 • ALEXANDRIA, VIRGINIA 22314

The Bencher

The Bencher is the flagship publication of the American Inns of Court and is published six times a year. The purpose of *The Bencher* is to provide a regular communication link among the national office, Inns, and members of the American Inns of Court. Contributions are welcome. Feature articles or news items must be submitted to the editor and will be reviewed for suitability and may be edited for content or to fit. *The Bencher* accepts paid advertising. The presence of advertising in no way implies that the American Inns of Court either has any relationship with the advertiser or endorses the product or service advertised, unless so indicated in the body of the advertisement or elsewhere. Please submit content to Rita Zimmerman, Editor, at rzimmerman@innsocourt.org. Address changes should be made online at www.innsocourt.org or sent to Howard Hurey at hhurey@innsocourt.org.

American Inns of Court Board of Trustees

THE HONORABLE CARL E. STEWART
Chief Judge, U.S. Court of Appeals,
Fifth Circuit
President

THE HONORABLE WILLIAM C. KOCH, JR.
President and Dean,
Nashville School of Law
Vice President

THE HONORABLE KENT A. JORDAN
U.S. Court of Appeals, Third Circuit
Secretary

THE HONORABLE JOHN L. CARROLL
Cumberland School of Law,
Samford University
Treasurer

MARY ANN AIELLO, ESQUIRE
Mary Ann Aiello PC

JAMES F. BENNETT, ESQUIRE
Dowd Bennett LLP

ANTHONY W. BLACK, ESQUIRE
General Counsel, Arkansas
Department of Information Systems

RYAN C. CICOSKI, ESQUIRE
Potter Anderson Corroon LLP

MARY KATE COLEMAN, ESQUIRE
Riley Hewitt Witte & Romano

W. THOMPSON COMERFORD, JR., ESQUIRE
Comerford & Britt LLP

JOHN M. DESTEFANO III, ESQUIRE
Hagen Berman Sobol Shapiro LLP

KATAYOUN AZIZPOUR DONNELLY, ESQUIRE
Azizpour Donnelly LLC

THE HONORABLE PAUL M. GLENN
U.S. Bankruptcy Court,
Middle District of Florida

ANTHONY B. HALLER, ESQUIRE
Blank Rome LLP

DIRK M. JORDAN, ESQUIRE
Jordan Law Firm

THE HONORABLE DOUGLAS S. LANG
Texas Court of Appeals, Fifth District

THOMAS C. LEIGHTON, ESQUIRE

Thomson Reuters Legal

THE HONORABLE IVAN L.R. LEMELLE

U.S. District Court,
Eastern District of Louisiana

THE HONORABLE BARBARA M.G. LYNN

U.S. District Court, Northern District of Texas

BRIAN J. MURRAY, ESQUIRE

Department of Justice

THE HONORABLE BARBARA SAVITT PEARSON

Lowell District Court

WILLIAM R. PETERSON, ESQUIRE

Morgan Lewis & Bockius LLP

THE HONORABLE JULIE ANN ROBINSON

U.S. District Court, District of Kansas

PROFESSOR STEVEN J. SCHMIDT

University of Nebraska College of Law

KANNON K. SHANMUGAM, ESQUIRE

Williams & Connolly LLP

MARY BETH L. SWEENEY, ESQUIRE

Atwood & Cherny PC

MATT SWEENEY, ESQUIRE

Baker Donelson Bearman

Caldwell & Berkowitz PC

BEN J. WEAVER, ESQUIRE

Weaver & Weaver PA

THE HONORABLE LEE YEAKEL

U.S. District Court, Western District of Texas

STEPHANIE J. ZANE, ESQUIRE

Archer & Greiner PC

THE HONORABLE GARY E. HICKS

New Hampshire Supreme Court

Ex Officio

American Inns of Court Staff

BG MALINDA E. DUNN, USA (RETIRED)

Executive Director

DAVID W. AKRIDGE, CAE

Deputy Executive Director

BRYAN AZUEKWI

Chapter Services Coordinator

ERNEST J. BARRENS, CAE

Director of Chapter Relations, Northeast Region

LIBBY BINGHAM, CAE

Director, Education and Mentoring Programs

CINDY DENNIS

Awards & Scholarships Coordinator

CHRISTINA HARTLE, CAE

Director of Chapter Relations, Mid-Atlantic Region

HOWARD L. HUREY III

Membership Records Assistant

ANNE M. PAUL, CAE

Director of Chapter Relations, Midwest Region

WANDA STOKES

Executive Assistant and Office Coordinator

PAM WITTMANN, CAE

Director of Chapter Relations, Southeast Region

CARYN WORCESTER, CAE

Director of Chapter Relations, Western Region

RITA DENNISTON ZIMMERMAN

Communications Coordinator

Editorial Board for *The Bencher*

MARY KATE COLEMAN, ESQUIRE
Riley Hewitt Witte & Romano
Chair

BG MALINDA E. DUNN, USA (RETIRED)
American Inns of Court

TOM ELLIGETT, ESQUIRE
Buell & Elligett, P.A.

THE HONORABLE IVAN L.R. LEMELLE
U.S. District Court, Eastern District of Louisiana
Board Liaison

BRIAN J. MURRAY, ESQUIRE
Department of Justice
Board Liaison

DEAN JAMES ROSENBLATT
Mississippi College School of Law

DEAN DEANELL REECE TACHA
Pepperdine University School of Law

ADA KO WONG, ESQUIRE
AKW Law, PC

RITA DENNISTON ZIMMERMAN
American Inns of Court



CONNECT WITH US!

www.innsocourt.org
[www.facebook.com/
AmericanInnsOfCourt](http://www.facebook.com/AmericanInnsOfCourt)
www.twitter.com/innsocourt
www.linkedin.com/in/innsocourt