

35

The Thirty-Five Year

History

of the

Illinois Association

of Defense

Trial Counsel



By Willis R. Tribler
IDC Past President

Preface

The minutes record that I joined this organization on January 28, 1972. I had absolutely no idea at that time how big a part of my life it would become. This is an effort to show its history and reminisce with you. We owe our thanks to Doug Pomatto for coming up with the idea.

In accord with suggestions by real authors, I have referred to myself in the third person. This is not Napoleonic. It is simply easier that way.

I have also referred to the organization as the “IDC.” I am aware that the name was changed in 1985, and I am not as distressed about that as might appear. Again, it is easier that way. I have also made an effort not to single out too many people by name. The problem is that if you name one, you exclude others. Therefore, the Appendix lists the people who were responsible for particular functions. They deserve our thanks.

One thing that becomes clear is that the IDC has had a large number of talented people who gave a great deal to the organization. This history is at least in part thanks for what they have done.

This work is dedicated to the memory of Lee Ensel, Ellis Fuqua, John Guy, Dick Valentine and Bill Voelker.

The Early Years

Legend has it that the Illinois Association of Defense Trial Counsel did no more than conduct a seminar in its early years. This is not true. Its many other activities were summarized in a letter from Royce Glenn Rowe to registrants for the Second Defense Tactics Seminar on January 22, 1966. Rowe pointed out that the IDC, although less than a year old, had presented the defense point of view to the Illinois Supreme Court Rules Committee, had begun a newsletter, was sending Defense Research Institute material to Illinois judges, and had held two Defense Tactics Seminars.

The first DTS was held at the Pick-Congress Hotel in Chicago on November 14, 1964. It drew an unexpectedly large attendance of more than 700. The topics included third-party actions, minimization of medical claims, and a trial demonstration. The luncheon speaker was Josh Groce of San Antonio, Texas, president of DRI. Other speakers were Thomas F. Parker of Montgomery, Alabama; John A. Kluwin of Milwaukee, Wisconsin; Dr. Eric Oldberg, Dr. David T. Petty and Dr. Leonard R. Smith, all of Chicago; Joseph Rosenberg of Decatur, Illinois; and four Chicago lawyers, William J. McKenna, Warren J. Hickey, Louis G. Davidson and Leslie H. Vogel. The fee was \$15, including lunch and a cocktail party. The program said that it was “approved by DRI,” but DRI had declined to contribute to the cost.

When Rowe and James Baylor needed money to fund the first DTS, they approached DRI, which refused to make an advance, variously reported as \$600 or \$1,000, on the theory that this was a foolish endeavor. Rowe got his law firm to lend the money to the DTS, and it went forward. After the seminar succeeded, Rowe and Baylor went to a DRI meeting in Arizona to point out just how wrong DRI had been. DRI immediately attempted to affiliate with the IDC, but the IDC rejected the overture. Although a DRI representative became a member of the Board of the IDC in 1966, there was to be no formal affiliation for some time.

The IDC as such did not come into existence until March 4, 1965, four months after the first seminar. Rowe literally began his term as president of nothing and saw it grow to over 200 members by June 1966. The IDC exists because the DTS, which preceded it and from which it grew, made money. The idea of a seminar was a response to pro-plaintiff seminars which were multiplying rapidly at the time. It seemed to Rowe that the defense should have its own seminar. The DTS was the result.



Royce Glenn Rowe, the first president of IDC, was born in Chicago in 1926, and graduated from Northwestern University and the Cornell University Law School. He practiced with McKenna Storer Rowe White & Farrug for 40 years and is now retired.

There is no doubt that Rowe was the originator of the IDC. Not only was he the first president and the chairman of the first two Defense Tactics Seminars, he was active for ten years in areas such as amicus, legislation and development of membership. He remained on the Board until 1972.

The organizational meeting of Defense Trial Tactics Seminar was held at the Chicago Bar Association on March 4, 1965. There were 11 organizers, all from Chicago. The 11 who attended the first meeting were Royce Glenn Rowe, Irving G. Swenson, Vincent B. Vaccarello, Francis D. Morrissey, Henry J. Marquard, Stephen A. Milwid, Albert F. Manion, Tom L. Yates, Bert M. Thompson, John M. Moelmann and James Baylor. Rowe was the temporary chairman and Baylor was the temporary secretary.

The group appointed five committees—membership, by-laws, rules of discovery, statement of objectives and meeting arrangements. It also adopted the name of Defense Lawyers Association. The name lasted until someone realized that it would be referred to as the DLA and pronounced “delay”. It was for that reason that the organizers came up with another name, Illinois Defense Counsel, which was to last until 1985. Jack Horsley recalls that

Illinois Association of Defense Trial Counsel

“Illinois” was very significant in that it signaled that this was not to be a Chicago-only organization.

It was also to be purely a defense organization, promoting friendly relations among those regularly involved in defense work. This was important because the Society of Trial Lawyers had begun to admit plaintiff lawyers and was no longer “representative of the defense bar.”

The first meeting set out 15 goals. They were to produce a newsletter, to conduct educational programs, to organize the defense bar into a comprehensive and purposeful group, to disseminate information to members of the courts, to be a spokesman for the defense bar, to present the defense view in the state legislature, to exchange technical information, to participate in the development of the Illinois Pattern Jury Instructions, to express the defense viewpoint to law school students and company claim personnel, to implement DRI objectives in Illinois, to reduce the backlog, to establish an information service regarding doctors and judges, to promote professional ethics, to develop a brief bank, and to disseminate DRI materials in Illinois.

A second meeting was held on March 18, 1965. Marquard distributed a list of potential members and asked those in attendance for suggestions as to lawyers to be invited to join. It was decided not to have a “blackball” system for personality conflicts. To this end, the IDC made the vague pronouncement that “membership requirements should be sufficiently general that all those eligible can be admitted.”

At a meeting on April 29, 1965, the group elected Rowe as the first president, Marquard and Yates as vice-presidents and Baylor as secretary-treasurer. It also added committees to handle publications and public relations.

The first membership meeting was held at the Chicago Bar Association on the very warm evening of May 6, 1965. The IDC used the DTS profit to fund a dinner and free drinks on the condition that the attendees join the IDC. While it drew a large attendance, there was some dissatisfaction that there was no opportunity for questions. After the meeting, Baylor said that the heat and the need to maintain order was a factor, but that he wished that the officers had taken the risk of allowing questions. The lesson was that leadership must always be responsive to its members.

In any case, things moved along quite well and on September 23, 1965, the organization had \$6,251.86 in the bank. It was also decided that two meetings a month were one too many and that the officers would meet on the second Thursday and the Board on the fourth Thursday. Later that year, the meetings were moved from Thursdays to Fridays due to unavailability of rooms at the Chicago Bar Association. It was also decided that a monthly meeting of the members would be “too burdensome.”

The second DTS was held at the Pick-Congress on January 22, 1966. The registration fee was increased to \$20, and there were no free cocktails. The event was co-sponsored by the National Association of Railroad Trial Counsel. The program featured technical evidence in products cases and the minimization of damages. The speaker was Edward W. Kuhn of Memphis, Tennessee, president of the American Bar Association.

As it would throughout its existence, the early IDC struggled with its committee structure. There are two recurring themes running through the minutes. The first is lack of certainty about what the committees are supposed to do. The second is dissatisfaction with the way that they do it. In an attempt to broaden the structure, the IDC had 11 standing committees by April 22, 1966.

The first year also produced considerable discussion about expanding membership, particularly downstate. By April 29, three downstate lawyers had been invited to join the Board. One declined because of his plaintiff practice, and another became a director and missed eight consecutive meetings before resigning. By September, the Board was discussing ways to increase membership from large firms. This effort has continued to the present time.

On December 16, 1965, the Board defeated a resolution that no ATLA member could join IDC. It later decided to allow membership to insurance company lawyers who are “actively engaged in the practice of law.” A claims handler who happened to be a lawyer would not qualify.

Legislative efforts began to develop in the spring of 1965. Yates and Thompson were available to testify as needed in Springfield and on June 24, 1965, Yates reported that IDC objections to the Illinois Supreme Court Rules of Practice “have resulted in the probable withdrawal of the objectionable items.” There is no record of what the objectionable items were.

The first IDC Newsletter was published in October 1965 with Herbert Caplan as the editor. The original newsletter announced the formation of the IDC, introduced the new officers, and reported that there were 150 members throughout Illinois. The introduction contained the following statement about the new organization:

The activities of IDC are directed to champion trial by jury, to expedite fair disposition of legitimate claims, and to expose and defeat the cheaters and the frauds who undermine our system of justice. The motto of the IDC, taken from the traditional charge to the jury, succinctly states these objectives: “AND A TRUE VERDICT RENDER.”

The first newsletter contained reports of successes by the defense, rules changes for appeals, news from the

Cook County courts and around the state, and case summaries from the Hinshaw firm. On September 23, 1965, one Board member suggested that the newsletter run “editorials on ridiculous decisions.” This was not done, and the Board therefore avoided answering the question of who would sign such editorials.

The newsletter prevailed over another proposed publication. On May 20, 1965, Frank Morrissey, a man ahead of his time, suggested that the IDC publish a learned quarterly with scholarly articles by law school professors. He hoped that this would be in addition to Caplan’s more informal newsletter, which was intended to present timely information on specific defense problems. The Board decided in July 1965 to move forward with the newsletter and hold the quarterly in abeyance until a concrete proposal was produced. It was to remain in abeyance for 25 years.

This very significant first year ended with 253 members and a decision to have directors elected by the members and the officers elected by the directors. This is still the procedure.



James Baylor became the second president of the IDC on July 1, 1966. Baylor was born in Lincoln, Nebraska, in 1923 and had graduated from the University of Nebraska and from the University Michigan Law School. At the time of his election, he was general counsel of Security Mutual Casualty Company. He was later to be Illinois Director of Insurance. He is now retired and lives in Fremont County, Iowa.

By March 24, 1967, the organization had 315 members and \$13,192.42 in the bank. Arlene Carpson, later to become Arlene Moody, was acting as secretary to the IDC and was receiving \$25 a month to sign drafts and checks and provide all necessary secretarial and clerical services. She was later raised to \$3 an hour.

The fall of 1966 marked the first judicial retention election. The IDC published a booklet containing biographies of the judges who were up for retention.

Baylor’s year marked two significant activities in development of the law.

The first pertained to the \$30,000 wrongful death limit. On April 1, 1966, the CBA Civil Practice Committee had recommended that the state legislature remove the limit. After that happened, Irving Swenson pointed out to the IDC that the evidentiary rules had been relaxed because of the \$30,000 limit and if the limit is removed, there should be substantial changes in the evidence rules, such as allowing defendants to introduce facts showing “actual pecuniary loss.” By March, Swenson and the IDC were

coordinating the efforts of railroads, insurance companies, and other groups to lobby against removing the limit. Nevertheless, on May 12, 1967, the House revoked the limit by a small margin. It was expected that the bill would die in the Senate. It did not, and on June 23, 1967, the death limit was in fact removed. This led to a massive increase in the value of all cases in Illinois.

The second effort related to discovery. Roger Monier was severely injured in an automobile accident in Marshall County on March 20, 1960. Both Monier and the other driver were insured by Country Mutual Insurance Company. Monier’s very inventive attorneys moved for production of the insurance policy, all medical reports, all statements, all memoranda made by Country Mutual regarding its investigation and all photographs, reports and statements. The defendant refused to produce the documents, and the appellate court required production, pointing out that the plaintiff was mentally and physically incompetent as a result of the accident and that both parties had the same insurance company. The case was appealed to the Supreme Court, which on September 23, 1966, held that all documents other than work product must be produced to the other side. It did not limit its decision to those cases where the parties had the same insurance carrier. *Monier v. Chamberlain*, 35 Ill.2d 351, 221 N.E.2d 410 (1966).

Monier spurred the IDC to action. Morrissey was asked to file an amicus brief to reconsider the broad new scope of discovery. The Supreme Court denied the petition on December 2, 1966, and the IDC then began to seek to change this through legislation. This failed when the Supreme Court passed Rule 201(b), which codified open discovery once and for all.

The war may have been lost both on the wrongful death limit and limitation of discovery, but the IDC had established a name and a reputation. As Baylor said at the Board meeting of December 2, 1966, “IDC received fine comments and good recognition.” This led to the establishment of a permanent amicus committee, which by the 1980s was to conduct one of the primary activities of the IDC.

There was another issue in the spring of 1967 that appears quaint in this day of billboards and lawyer infomercials. The IDC had earlier criticized the practice of plaintiff’s lawyers being identified in newspaper articles, particularly in Chicago. Having taken this position, the IDC was extremely concerned about ethics.

In 1967, the IDC was preparing a directory listing its members. This was to be sent to all members and all insurance carriers in Illinois. As the directory was to include a “biographical sketch and list of the special knowledge or

Illinois Association of Defense Trial Counsel

skills” of the particular lawyer, Baylor asked for an opinion from Michel Coccia, chairman of the ethics committee. It was reported on March 10, 1967, that the directory was to be published and mailed without any listing of special knowledge and skills. Even this was not enough. By May 12, 1967, Coccia had advised “that it would not be advisable to send unsolicited lists to insurance companies.” The 1967 directory went only to members.

Contrary to some recollection, there was a DTS on January 28, 1967, but it was different from any other.

Late on the evening of Thursday, January 26, 1967, it began to snow. And it snowed, and it snowed, and it snowed. When it was over 29 hours later, 23 inches of snow had fallen on Chicago. The 18.1 inches on January 27, 1967, made it the snowiest day on record, and the total accumulation was and still is the single biggest snowstorm in the history of Chicago. It cost the city over \$5,000,000 in 1967 money to clean up the mess.

The Illinois State Bar Association Midyear Meeting started on Thursday and concluded on Friday with the Supreme Court Dinner. The ISBA had not yet established its Assembly and the IDC scheduled its seminar for that Saturday.

When the ISBA attendees awakened on Friday morning, January 27, 1967, they were confronted with a huge snowstorm. No food could be delivered to the Pick-Congress Hotel, where the ISBA was meeting. The Lawyers’ Luncheon attracted only 106, and the Supreme Court Dinner, which expected about 900, was canceled. In fact, the hotel was so short of food that all of the persons in the hotel were invited to eat in the Grand Ballroom, using whatever food happened to be in the hotel at the time. This left an interesting selection of food which did not totally match the proposed menu.

Chicago was still totally shut down on Saturday, January 28. Committee members fought their way through knee-deep snow to the Conrad Hilton Hotel, planning to call off the DTS. However, most of the speakers, including Murray Sams from Miami, and 300 or so registrants were present. The committee decided to go forward.

Gus Svolos, who was to be chairman of the 1968 DTS, particularly remembers a trial demonstration involving Judge Abraham Lincoln Marovitz, Dr. Nathan Zeitlin, Nat Ozmon, John Schaffenegger and Kendal Crooks. Crooks wanted to make the demonstration as realistic as possible and therefore cross-examined Dr. Zeitlin rather harshly. Dr. Zeitlin was not expecting such treatment and was annoyed.

Unfortunately, the headline speaker, Solicitor General Thurgood Marshall, did not appear. His flight from Washington, D. C., was rerouted to Milwaukee. Once he got to Milwaukee, there was no way to get him to Chicago, and he never made the speech. This left the IDC with no

luncheon speaker, but Judge Marovitz, who substituted at the last minute, delivered a delightful talk.

The 1967 DTS featured a heroic effort that eventually failed. The first speaker was to be Paul R. Connolly of Washington, D.C. By Friday, Connolly had no way to get to Chicago. Bert Thompson, ever imaginative, called Senator Everett Dirksen from the kitchen of Thompson’s home in Des Plaines. To Thompson’s amazement, Dirksen came to the telephone and asked how he could help. Thompson explained the problem, and Dirksen said that he would do what he could. To Thompson’s further amazement, the Senator arranged for a Navy plane to fly Connolly to the Glenview Naval Air Station. Connolly got to the airport in Washington at 6 a.m. on Saturday, only to learn that there was no place to land near Chicago. Dirksen had told the Navy to take Connolly somewhere, and so Connolly went to New York for an ABA reception.

On May 26, 1967, the IDC issued a \$10 certificate applicable to the 1968 DTS for the 500 people who were prevented by the snow from attending in 1967. Remarkably enough, when it was all over, the 1967 DTS had made a profit.



Jack E. Horsley of Mattoon became the third president of the IDC on July 14, 1967. He is a graduate of the University of Illinois and the University of Illinois College of Law. He was the first downstate president.

Baylor recalls Horsley’s inauguration. Horsley had been told that he would be president, but he had not been told that he had yet to be elected. When the time came to open the Board meeting, Horsley started by summarizing his plans for the next year. As Baylor puts it, “We had to interrupt and ask him to hold it for a moment; we had to go through the nomination and elect him first.” Horsley recalls that, that having been done, he made his presentation and tried to sit down, only to miss the chair and fall, pulling everything off of the conference table. Despite this unique start, Horsley went on to have a very good year.

The fourth DTS was held at the Conrad Hilton on January 27, 1968. It featured preparation of medical witnesses, comparative negligence, and the cross-examination of an economist. The speaker was John W. Reed of the University of Michigan Law School, director of Michigan CLE. The seminar drew 871 registrants and earned a profit of \$2,113.78. This was despite the fact that a high percentage of the attendees got in for half price, a result of not being able to get through the snow to the 1967 DTS.

By June 26, 1968, the IDC had 326 members and \$18,605 in the treasury. At that annual meeting, the members adopted a bylaw which allowed all past presidents to

remain on the executive committee and the Board of Directors as long as “they evidence an active interest in this organization.” Interestingly enough, a past president was allowed to vote unless a member of the executive committee or Board challenged his vote. If there was a challenge, the vote was to be voided without contest. It was also decided that the immediate past DTS chairman would become a director for one year.

By the summer of 1968, the IDC logo, an outline of the State of Illinois with “IDC” in the middle, had come into use.

On June 14, 1967, the executive committee suggested that the number of committees be reduced. In October, it was noted to the Board that “the problem in this area is that we do not have any real functioning committees.” Two weeks later, a special committee was appointed to study the committee structure with the notation that “our activities are becoming more limited; many programs have never gotten started; committee structure is the key to effective utilization of the organization.”

Horsley’s year brought the first success of the IDC amicus program. The case was *Maki v. Frelk*, 40 Ill.2d 193, 239 N.E.2d 445 (1968). The issue was raised in the Second Appellate District when Justice Thomas J. Moran wrote an opinion that judicially adopted Wisconsin comparative negligence, under which a person who is less than 50% negligent can recover a decreased portion of his damages. (85 Ill.App. 2d 439) The case was appealed to the Supreme Court, and the IDC filed an amicus brief.

The IDC brief argued that if Illinois is to have comparative negligence, it should be adopted by the legislature, not by the courts. The Supreme Court agreed in an opinion of July 11, 1968. Illinois continued with contributory negligence until *Alvis v. Ribar* in 1981, when Justice Moran, by then a member of the Supreme Court, wrote an opinion adopting pure comparative negligence for Illinois.

Maki v. Frelk generated a left-handed compliment for the IDC when Justice Ray Klingbiel of the Supreme Court referred to it in the following manner:

The National Association of Independent Insurers and a group of trial lawyers called ‘Illinois Defense Counsel’ have appeared as *amici curiae*.

At least he got the name right.

Also in 1967, the IDC was promoting the requirement that attorneys in Cook County sign an affidavit that they had not chased a case. Horsley questioned the efficacy of this idea on the grounds that a chaser could remove the affidavit from the court file if his conduct was questioned. The rule passed and went into effect on April 26, 1968. It was later repealed, another casualty of the age of advertising.

The IDC reached a watershed at the end of 1968, when Jim Baylor left to join the staff of the American Bar Association and later to become Illinois Director of Insurance. Baylor had a large part in the nuts-and-bolts development of the IDC. Also, the Board that took office with John Schmidt in the summer of 1968 was largely composed of people who were not founders.



John J. Schmidt is a graduate of DePaul University and the Loyola University School of Law. He joined the Atchison Topeka & Santa Fe Railway law department in 1955, and became a general attorney in 1964. He left the law department in 1969, and eventually became chairman and chief executive officer of the Santa Fe. Although Schmidt did not attend the original organization meeting, he was an original director.

One major accomplishment of 1968-1969 had a rocky start. The IDC had been planning for about a year to hold a national convention of defense attorneys. The idea was to get defense attorneys together from around the country to talk about common problems, such as challenges to the jury system, dealing with claims, the objectives of the defense, and legal economics.

The meeting was held at the University of Chicago Continuing Education Center on April 4-5, 1969. The plans were quite amorphous until the last two weeks, with speakers being added at the last minute. Nevertheless, it was well received by the attendees and it was decided that it should be an annual event, hopefully in Chicago.

The downside was that only 31 people paid the full \$100 registration fee. The University of Chicago claimed that it was stuck with 143 rooms at \$12 a night, or \$1,716. The IDC was bargaining with the University of Chicago a year later, and it is not clear from the minutes what, if anything, was ever paid.

The meeting moved to Miami later in 1969, became the National Conference of State and Local Defense Leaders, and in 1996 was merged into the annual Defense Research Institute convention. By 1998, the DRI convention had drawn 1,100 registrants in San Francisco.

Another worthwhile endeavor came up short. A member meeting was held late on the afternoon of Thursday, March 20, 1969. The committee had a difficult time getting publicity. Only 30 attended, and the organization lost \$320.50. By this time, the Board was becoming frustrated with weekday programs for members.

The IDC remained active in development of the law. In August 1968, it issued a statement of principles on auto reparations which was basically an argument against no-fault. It decided in October 1968 to drop its effort to

Illinois Association of Defense Trial Counsel

abolish the collateral source rule due to opposition within the insurance industry.

It was decided early in the year to hire an executive director. By December 27, 1968, there had been 30 responses. This resulted in hiring Charles Brizius on a one-year contract for \$4,000. Brizius began on March 1, 1969, and remained until January 1, 1971. His primary functions were to increase membership and represent the IDC in the legislature. After he left, the position was filled by Bow Pritchett, a vice-president, who worked without pay. Pritchett served for a little over a year before yielding to Arlene Carpson, later Arlene Moody, who by that time had sufficient competence and confidence to handle all administration. The legislative function was turned over to Lee Ensel, who performed in that role for more than ten years. The IDC did not have another executive director until 1990.

The bylaws were amended in 1969 to create an office of president-elect, who automatically moved up to president. This was in addition to two vice-presidents and a secretary-treasurer.

The DTS returned to the Pick-Congress on February 1, 1969. Topics included defending the product liability case, detecting photographic distortion, and the psychology of communications. The seminar featured a luncheon address, "The American Jury" by Professor Harry Kalven, Jr., of the University of Chicago Law School.

The IDC continued its attempt to increase downstate membership, holding a successful meeting in Springfield in 1966. However, a meeting in Champaign in May 1968 drew only eight members. In analyzing the situation, Hurshal Tummelson of Urbana said that many downstate attorneys are reluctant to admit that more than 50% of their practice is insurance defense.



Thomas F. Bridgman became president on June 24, 1969. Bridgman at 35 was the youngest man ever to be president of the IDC. A graduate of John Carroll University and the Loyola University School of Law, he was a partner in Baker & McKenzie who later became international managing partner.

Bridgman's assumption of the presidency was accelerated. It had been assumed that Herb Caplan would become president, but Caplan had a family emergency which required him to return to Pittsburgh, and Bridgman was promoted from the Board shortly before his term began. As Rowe says, "It took Tom a couple of weeks to get a handle on the organization but after that he ran it very well."

Bridgman was an active trial lawyer with a solid understanding of the way things work in Cook County. He

worked toward and succeeded in establishing the IDC as an organization for trial lawyers and people who are involved in litigation. It was very important to him to preserve the jury system and to make the courts the primary venue for the resolution of disputes. He was particularly insistent that the IDC take its own positions and not allow itself to become a political arm of the insurance industry.

The IDC continued to work out the details of the first national convention. The University of Chicago was still seeking payment for its unused rooms more than a year after the meeting ended. The IDC's final loss was \$2,907.41. DRI would only agree to pay \$371.20, taking exception to certain salaries paid by the IDC. The Board decided in December 1969 that any later sharing arrangements with DRI must be in writing.

The 1970 Defense Tactics Seminar was a great success. The magnitude of the publicity is shown by a decision on August 22, 1969, to print 100,000 brochures and 30,000 "last call" brochures for the 1970 DTS. This barrage of brochures attracted 636 attendees at the Conrad Hilton on January 31, 1970. The speaker was Bill Kurtis of CBS-TV, but the highlight of the meeting was a panel discussion with a group of jurors who had sat on cases in Cook County during the previous year.

On April 24, 1970, with the membership at 319, it was proposed that the IDC extend membership privileges to lawyers who had practiced between one and five years. The IDC also stayed active downstate, holding a meeting in Springfield on December 5, 1969. Baylor, by then Director of Insurance, spoke to the group.

The decade of the 1960s was over at the end of Bridgman's term. We now move on to the 1970s and a less national, more Illinois-focused IDC which built the financial foundation for the successes of the 1980s and the 1990s.

It would, however, be unfair to close this chapter without noting with admiration the tremendous amount of imagination, energy, and sheer hard work that was put into this organization by the early officers and directors. What we have today is because of them.

The Years of Building

By 1970, the Defense Tactics Seminar, then the primary activity of the IDC, was beginning to face increased competition. The 1970s were largely devoted to building for the future by stabilizing the DTS and increasing membership and revenue.

William J. Voelker, Jr., became president on June 23, 1970. He was a native of Columbus, Wisconsin, and a graduate of both the University of Wisconsin and its law school. He began practice in Peoria in 1948 with the firm

now known as Heyl Royster Voelker & Allen. He retired from that firm in 1982, later serving as a circuit judge in Peoria County. He died in 1993.

Nineteen seventy-one was the year of no-fault. The bill that was presented to the legislature by Governor Richard B. Ogilvie on April 5, 1971, was an attempt to repair the reparation system, particularly relating to automobiles. Public Act 77-1430 was passed by the General Assembly in June 1971 and took effect on January 1, 1972. It provided that every automobile insurance policy issued in Illinois must provide no-fault benefits for accidental injuries.

Except in cases of death, dismemberment, permanent disability or serious disfigurement, it limited recovery for pain, suffering, mental anguish and inconvenience to 50 percent of reasonable medical expenses of the claimant if the reasonable expenses were \$500 or less, and 100 percent of the reasonable expenses if they exceeded \$500.

The IDC approved "the broad philosophic outline of no-fault" on March 11, 1971. At least part of the feeling in the organization was that this was a practical and effective piece of legislation which, if adopted, would forestall more drastic possible solutions. However, the Board had serious doubts about the general damage section of the original bill, fearing that the exceptions would cause claimants to commit fraud so as to escape the limitations on damages. As will be seen, this bill was declared unconstitutional on April 17, 1972 in *Grace v. Howlett*.

The second big issue of 1970-71 was internal, relating to the future of the Defense Tactics Seminar. The 1971 DTS was held at the Conrad Hilton on January 23, 1971. It included a report on the then-new area of environmental law, a trial demonstration, and a speech by Edward L. Wright of Little Rock, Arkansas, president of the ABA. It was, however, memorable in another way.

The first lecture after lunch, "Dialogue with the Dead", related to pathology as an investigative tool. The pathologist from St. Louis who presented the talk showed a series of gory slides, which combined with the hot room, the cigar smoke, and the traditional greasy meal of the early 1970s, caused a number of the participants to surrender their lunches to the sewers of Chicago.

The 1971 DTS was not a financial success. Attendance dropped, and the event lost nearly \$3,500. This was partly because the post office decided that the IDC was not a purely educational organization and therefore denied it a not-for-profit mailing permit.

On February 26, 1971, the Board considered terminating the DTS. It conducted a study to determine what type of seminar should be held and what would be the most effective date. By April, Herb Caplan, back from Pittsburgh, agreed to be co-chairman, and on May 5, 1971, the

Board voted to continue with the seminar. This is the closest that the DTS has ever come to dying.

The IDC also worked to increase membership by holding a meeting in St. Louis and helped convince the Constitutional Convention to reject six-man juries and less-than-unanimous verdicts. The Board also decided not to publish a newsletter, preferring the type of president's letter that Voelker had sent to the membership in July 1970.



Voelker was succeeded by **Bert M. Thompson**, general counsel of Security Mutual Casualty Company and the last founder to be president. As with Voelker, Thompson was a native of Wisconsin and a graduate of the University of Wisconsin and its law school. He came to Chicago in the early 1960s and has remained in Illinois for most of his professional career. He is now retired as general counsel of RLI Insurance and lives in Peoria.

No-fault and the future of the Defense Tactics Seminar continued as big issues. By November 5, 1971, Leonard Ring, a prominent Chicago plaintiff's lawyer, had filed suit attacking the constitutionality of the "Illinois Plan" for no-fault. The IDC, having supported the passage of the legislation, began to defend it. On January 21, 1972, the Board voted, 6 to 4, to file an amicus brief supporting constitutionality.

The DTS was the subject of a great deal of discussion in 1971-72. A separate corporation was established in order to get a lower mailing rate. That corporation, Defense Tactics Seminar, put on the 1972 DTS. Unfortunately, it had no more success with the post office than the IDC had had. On May 19, 1972, after less than a year of existence, and facing an inability to get a 1.7 cent per piece rate as opposed to a 4.4 cent per piece rate, the separate corporation was dissolved.

The 1972 DTS was held on March 10, 1972, at the Lake Shore Club. The move from January resulted from a change in schedule by the Illinois State Bar Association. The ISBA had for years held its Midyear Meeting in January. However, following the snow disaster in 1967, the ISBA moved the January 1972 meeting to November 1971. The ISBA also established an Assembly which thereafter met on the Saturday morning after the Supreme Court Dinner. This was the time that the IDC used for the DTS, and it had to find a new date.

Several things were done to beef up the 1972 DTS. In addition to moving the date and place, a "big name" speaker, F. Lee Bailey of Boston, was engaged, and the seminar was moved to Friday. In addition, the DTS cut back on mass mailings and produced a less expensive brochure, which targeted those who were most likely to attend. A

Illinois Association of Defense Trial Counsel

workshop format with five breakout sessions was adopted. Nevertheless, the DTS lost nearly \$2,500 on an attendance of 426. It was not out of the woods.

Bailey was perhaps the most memorable of all DTS speakers. Although he was not yet 40, he was one of the most famous lawyers in America. He had published a book, he was a television host, and later setbacks, including the conviction of Patty Hearst, had not come about. As he insisted, he was met at the airport by a white limousine and brought to the Lake Shore Club with three assistants who proceeded to sell autographed copies of his book in the lobby. Despite all that, Bailey was one of the most entertaining and likeable of speakers and someone who added a great deal to the seminar.

The IDC continued to combat the Cook County backlog, particularly an arrangement whereby certain plaintiff's lawyers had their cases assigned to certain judges, and a "rocket docket" under which Judge Paul Elward was to get cases ready for trial within six months of filing. Two representatives of the IDC had a positive meeting with Judge Joseph Butler, head of the Law Division. He was receptive to our concerns but emphasized that his primary concern was to "move cases."

The major disappointment of Thompson's year was the opinion in *Grace v. Howlett*, 51 Ill.2d 478, 283 N.E.2d 474 (1972). In striking down the 1971 no-fault law, the court held that the statute violated the constitutional prohibition against special legislation and also held that the provision establishing mandatory arbitration of claims for under \$3,000 violated the constitutional guarantee of trial by jury.



John F. Skeffington took office as the eighth president of the IDC on June 27, 1972. This marked the end of the early years and the departure of the founders. It also began almost ten years during which the focus of the organization was upon financial stability and the development of the present seminar system.

John Skeffington is a graduate of Loyola University and the Loyola University School of Law. He is now retired from Querrey & Harrow, Ltd., Chicago. He inherited an organization which had 301 members but had incurred large costs through political action and deficits in the DTS over the preceding two years. One of the first priorities of the incoming Board was to improve the financial status of the organization. It also had to continue to deal with no-fault and the fate of the DTS.

Following the opinion in *Grace v. Howlett*, several new no-fault bills were introduced in the legislature. One of these was an ISBA bill which was supported by the plaintiff's lawyers. The IDC promoted a more moderate

bill. This effort was led by Skeffington and Lee Ensel, who recruited lawyers to testify in Springfield. Despite all of this, no no-fault bill was passed in 1973, and none has ever been passed.

The Defense Tactics Seminar continued to struggle in 1973. Despite a good program, including a luncheon talk by Dean John E. Cribbet of the University of Illinois College of Law, and economy measures such as eliminating afternoon coffee to avoid the exorbitant cost of 30 cents per cup, it lost \$2,526.64 on an attendance of 297. Furthermore, the brochure was late, requiring the IDC to use first-class postage of eight cents apiece. This caused it to cut its mailing list and waste 10,000 of the 15,000 brochures that were printed.

The IDC held a successful breakfast meeting on November 17, 1972, as part of the ISBA Midyear Meeting. Professor Hans Zeisel of the University of Chicago talked about the drawbacks of the six-man jury.

The IDC also compiled a directory which was printed and distributed by Record Copy Service. That directory confirmed the success of the downstate membership drives. Of 297 members listed in that directory, 130, or nearly 44%, were from outside Cook County.



On June 26, 1973, the presidency was assumed by **John G. Langhenry, Jr.**, of Chicago. He has two degrees from Loyola University and after serving in the Air Force, joined the Chicago firm now known as Hinshaw & Culbertson in September 1959. He remained with that firm until he retired on January 1, 1996.

Langhenry's goal was to create a strong membership so as to exert influence in the courts and improve the perception of the IDC with the public and in the legislature. Significant advances were made toward these goals during his term.

Langhenry took over an organization which had been losing money on its premier event, the Defense Tactics Seminar. It was vital to stabilize the DTS. The Board started by increasing the registration fee from \$25 to \$30. It also abandoned the two-year Friday experiment and held the 1974 DTS on a Saturday. It has been held on Saturday ever since.

The 1974 DTS was the last at the Lake Shore Club and the first where all of the speakers were from Illinois. The program covered aggressive discovery, reformation of policies and declaratory judgment actions. The luncheon speaker was U. S. Attorney James R. Thompson, later to be governor. It drew an attendance of 275 and was the first profitable DTS in three years.

Langhenry's Board made several decisions that helped to shape the modern DTS. It sought younger speakers on

the theory that they would prepare carefully. It rejected a DRI proposal to join in a regional seminar for 14 states, deciding that the DTS should keep its “local character.”

The IDC continued with its amicus efforts. In an unusual example of cooperation, it joined the Illinois Trial Lawyers Association to submit an amicus brief in *Rosewood Corp. v. Transamerica Insurance Co.*, 57 Ill.2d 247, 311 N.E.2d 673 (1972). The two trial lawyer groups argued that in a county the size of Cook it is suitable to allow more than one judge to be named in a change of venue petition. They were unsuccessful.

The minutes for 1973-74 also show the first indication of later developments. On July 10, 1973, Neil Quinn suggested “a small, limited registration trial tactics seminar.” This was the seed for the 1980 Fall Seminar and even more remotely the impetus for the Trial Academy which began in 1989.

On July 18, 1973, the Board adopted a provision allowing reimbursement for evening dinner meetings of the Board, the Executive Committee and the DTS committee. This was the first step away from the original practice that officers, directors and committee members must not only contribute their time but must bear their own expenses involved in participation in the IDC.

The IDC was also involved in Cook County judicial politics. Langhenry took part in a press conference in early 1974 with representatives of the Society of Trial Lawyers and the criminal defense and divorce bars “to repudiate the comments about Cook County judges being lazy.” Chief Judge John Boyle wrote the IDC thanking it for this effort.



Lee W. Ensel of Springfield was 70 years old when he took office in June 1975. This made him the oldest man ever to be president of the IDC. He was a graduate of the University of Michigan and the University of Michigan Law School. He had started his career as a trial lawyer but by 1974 he was primarily doing legislative work, largely for utilities.

This experience with legislation made Ensel particularly valuable to the IDC. In addition to serving as its informal “eyes and ears” in the legislature, he helped organize a group of lawyers who were available to go to Springfield to testify on short notice. ITLA had hired a full-time legislative representative in 1973, and Ensel was a strong advocate for the idea that the IDC should have professional help in the legislature.

Even though it was at a disadvantage, the IDC remained active in legislation, opposing the six-member jury and federal no-fault. No-fault was also an issue in Illinois, where the IDC continued to work toward an acceptable system.

Ensel was also a strong supporter of the Defense Tactics Seminar. The seminar committee, taking full advantage of the new provision allowing reimbursement for dinner, met monthly at the Chicago Athletic Association, under the ministrations of a very solicitous waiter remembered only as Stanley. It was out of the good natured badinage of these meetings that the major changes of 1975 came to be.

The biggest change was the “great leap” from the Lake Shore Club to the new Hyatt Regency Chicago. The Hyatt Regency in 1975 was not the huge hotel that it is now, as only the west tower had been completed. The hotel had a glittering image which did a great deal to give credibility to the DTS. In addition to presenting younger speakers, the committee moved the dinner party from Saturday night to Friday night so that it could serve as an orientation. When it was over, the 1975 DTS had attracted 330 registrants and earned a profit of \$1,503.32.

The 1975 DTS was touched by tragedy. William J. McKenna of Chicago, who was to be the third speaker in the morning, was killed in an airplane crash on February 15, 1975. His topic was to have been wrongful death.

There were two major CLE innovations in 1974-1975. The Board decided on July 11, 1974, to commission position papers that would analyze problems from a defense perspective and make tactical suggestions. The first monograph was a 1975 analysis of wrongful death by Stuart Lefstein of Rock Island. It was followed in 1976 by a paper by Richard H. Hoffman and Miles J. Zaremski on allocating responsibility and distributing economic loss and in 1979 by a paper on punitive damages by Hoffman, Ellis Fuqua, John Guy, Bow Pritchett and Dick Valentine. They were aided in this effort by William P. Anderson of Waukegan.



L. Bow Pritchett of Chicago assumed the presidency on June 13, 1975. It was the culmination of a decade of service to the IDC, including invaluable efforts on behalf of the DTS. A graduate of the University of Iowa and the DePaul University College of Law, he was counsel to Illinois Bell Telephone Company.

It was under Pritchett and his successor, John White, that the financial problems of the IDC began to be resolved. The IDC had spent over \$9,000 in 1975 for various projects, including a monograph, sending DRI's For The Defense to all Illinois judges, and sending representatives to the national meeting of local defense groups. This was a large expenditure for a group that generated only \$6,850 in annual dues receipts, and by May 7, 1976, the treasury had sunk to an all-time low of \$1,986.14.

Illinois Association of Defense Trial Counsel

Several short-term remedies were rejected. The Board decided to continue sending For The Defense to judges, and rejected a suggestion that speakers and committee members be required to pay for the Friday evening DTS dinner. There were, however, two major bylaw amendments in 1975-76.

The first reduced the time-in-practice requirement from five years to two years, thereby greatly broadening the base of potential members. The second dealt with the amount of dues. The bylaws of May 30, 1966, had set the annual dues at \$25. Rather than amend the bylaws every time an increase was needed, the 1976 amendment allowed the Board to fix the annual dues or special fees. That hurdle having been cleared, the Board immediately increased the dues to \$35 a year.

The 1976 DTS, held at the Hyatt, received fine reviews for topics that included malpractice and the use of an expert. The speaker was Dr. James Sammons, executive vice-president of the American Medical Association. The seminar incurred a small loss, but as the financial health of the IDC improved, it became less important for the DTS to make a profit.

There was considerable activity in the legislature. The IDC continued to promote a workable no-fault law and to oppose the six-man jury. It opposed advertising and specialization and continued its ongoing fight against the adoption of comparative negligence.



John F. White of McKenna Storer Rowe White & Farrug became president of the IDC on June 18, 1976. White graduated from DePaul University in 1953 and from its College of Law in 1957. He joined the McKenna firm at that time and continued until his retirement.

White's goal was to increase membership and place the IDC on a sound financial footing. He did this very well, building on the changes that were made during the Pritchett administration to create a financial stability that the IDC had never had before.

The success of the financial reorganization was quite remarkable. A treasury of \$4,408 on September 10, 1976, increased to \$12,482.15 on August 26, 1977. A membership of 347 on November 5, 1976, increased by more than 10 percent to 382 on August 26, 1977. This was largely due to efforts to reach the newly-eligible two-to-five year members.

The 1977 Defense Tactics Seminar, having settled in at the Hyatt, included an analysis of the Structural Work Act and a discussion of reading and analyzing medical records. The speaker was Eugene Jericho of Dallas, Texas.

By 1977, the IDC was sending representatives each year to the National Conference of Defense Bar Leaders, the direct

descendant of the 1969 convention that the IDC had sponsored in Chicago. These meetings proved very useful over the years in formulating legislative strategy, planning publications and developing a committee structure.

The IDC continued to oppose the six-man jury and passed a resolution opposing the adoption of a variant of the Federal Rules of Evidence in Illinois. It also made its first serious effort to repeal the Structural Work Act.

An interesting internal debate took place on May 6, 1977, regarding the following resolution:

The Illinois Defense Counsel shall not appear as *amicus curiae* in any litigation where it is subsidized in any manner by a party in interest.

The point of this resolution was to maintain the credibility of the IDC. The opponents argued that there was nothing wrong in accepting money from a party in interest as long as that party's position was consistent with the IDC's position and as long as the IDC's position was not dictated by or changed by the party. The resolution passed, 5 to 3, with two abstentions. This was an example of something that seems very clear in the highly charged conflict-of-interest climate of the 1990s but was not clear at all 20 years ago.



White was succeeded as president on June 10, 1977, by **R. Lawrence Storms** of the Chicago firm of Winston & Strawn. A graduate of Lawrence University and the University of Michigan Law School, Larry Storms was a highly respected commercial litigator who began his career in Waukegan and moved to Chicago in the 1950s.

Storms continued to improve the financial position of the organization. By the fall of 1977, the IDC was able to open a corporate savings account, and as of June 16, 1978, the treasury was \$17,784.31 with a membership of 393.

That DTS attracted more than 400 people for a program that included a frightening talk on trial lawyer malpractice and an entertaining speech by John C. Shepherd of St. Louis, later to be president of the ABA. The Board was encouraged by the fact that the seminar had stopped losing money.

This was the year of *Skinner v. Reed-Prentice Division Package Machinery Co.*, 70 Ill.2d 1, 374 N.E.2d 437, 15 Ill.Dec.829 (1977), which allowed a manufacturer that had been held liable on the basis of strict liability to recover contribution from an employer who was negligent in using the product.

Skinner presented the sort of problem that has vexed the IDC over the years. It is hard to argue that manufacturers

should be allowed to seek contribution or indemnity from employers when defense lawyers could be on either side. Nevertheless, the IDC played a useful role with an amicus brief on rehearing that limited the application of *Skinner* to causes of action arising out of occurrences on and after March 1, 1978.

As further proof that small changes often are the most long-lasting, the Board voted on August 26, 1977, to establish a specific date for its meetings--the fourth Friday of each month except where a holiday would interfere. That is still the standard meeting date nearly 22 years later.



John P. Ewart of Craig & Craig took office as the 14th president of the IDC on June 16, 1978. He is a graduate of the University of Illinois and its College of Law and has practiced in Mattoon since 1961. He had served as a director since 1971, and had been active over the years in developing downstate membership.

This experience was to prove extremely important. From his years of attempting to drum up membership, Ewart had become aware of the need to increase the exposure of the IDC and to improve its overall public relations position. This led to the formation of a long-range planning committee, known as the New Image Committee. The committee had three members, John Guy, Rudy Schade and Bill Tribler. While Schade was the chairman, this committee marked the emergence of Guy as the conscience and intellectual center of the IDC. It also benefitted from a series of brainstorming meetings to which the directors and several past presidents contributed.

The New Image Committee released its report on June 9, 1980. On the theory that the image could only be improved over a period of time, the report provided an outline for the new IDC. The primary recommendations were to publish a regular newsletter, to hire a legislative representative, to create a Political Action Committee, to hire a full-time director, to hold a smaller more private seminar in the fall, to begin a seminar for young lawyers, and to change the name of the organization. The IDC had great success over the next 15 years in implementing the recommendations. Likewise, it has done a good job in rejecting others. For instance, the IDC has no golf outing.

In addition to being a catalyst for new ideas, Ewart also presided over the increase to 402 members as of December 15, 1978. This was the first time after years of steady numbers that the membership had passed 400.

In December 1978, the Board considered contributing \$1,000 a year for law school scholarships. After extended debate, it decided that the money was better spent in other ways. The Board also adopted some of the public relations

activities of the Texas defense group, including a committee that would respond to criticism of the defense bar.

The IDC was involved early in the year with an effort to get Cook County motion judges to take consistent positions on issues such as assessment of costs.

The 1979 DTS was the last to be held at the Hyatt. It drew 317 registrants for a program that included a trial demonstration and a talk on punitive damages. The speaker was Director of Insurance Richard L. Mathias.



Richard C. Valentine took office as president of the IDC on June 22, 1979. Valentine was a graduate of Lake Forest College and of the Chicago-Kent College of Law. He practiced at Lord Bissell & Brook from 1956 to 1980, when he opened his own practice. He died in 1982. He remains the only president from Lord Bissell & Brook despite years of outstanding support given to the IDC by that firm.

Valentine continued to expand the work of the IDC despite a difficult year. Arlene Moody, who had been the executive secretary since 1965, retired in the summer of 1979 and was not replaced. This made it necessary for Valentine and the other officers to do the administrative work that had been done over the years by Mrs. Moody. Fortunately, she returned to the IDC in February 1980. Her return made life a lot easier for Valentine and the other officers.

The 1980 DTS, the first at the Chicago Marriott, drew 470 registrants for a program that included statutory defenses, product liability, and intentional torts and a luncheon address by Judge William J. Bauer of the Seventh Circuit. It was the largest attendance since the seminar separated from the ISBA in 1972. It had its exciting moments.

The Marriott has over the years become the favorite whipping-boy of architectural writers, who love to call it monolithic. It was, however, as new and glittering in 1980 as the Hyatt had been five years before.

There were two glitches. The first was a complicated elevator-escalator system that caused registrants to ride past the seminar floor with no obvious way to get to that floor. The second was that the Marriott scheduled an Amway rally for the same day and on the same floor as the DTS.

It is hard to describe an Amway rally. It does not do it justice to compare the noise to a football game. It is like holding a Roman Circus in a boiler factory. In any case, the noise through thin walls was a serious problem in the morning session, and Chairman Larry Smith says even now, "I may step foot into the newly remodeled Marriott Hotel once again, but not without some reluctance." The Marriott later promised that there would be no Amway

Illinois Association of Defense Trial Counsel

rallies in conjunction with the DTS. It delivered on that promise.

This was a big year for development of the law. The IDC filed an amicus brief in *Rogers v. Robson*, the definitive case on the tripartite arrangement. It also dealt with a proposition that would have removed the distinction between trespassers and invitees, a proposition that would have eliminated the distinction between a discovery and evidence deposition, and an effort to impose pretrial interest. The drums had begun to roll on comparative negligence, and a great deal of time was devoted by the IDC to comparisons of the “pure form” and the “Wisconsin plan”. This of course was to culminate in 1981 with *Alvis v. Ribar*.

In a light moment that did not appear light at the time, Valentine and D. Kendall Griffith, who wrote our amicus brief in *Skinner*, were subpoenaed in a federal case, *Mulcahy v. Harris Corporation*, to produce all records relating to the amicus brief. Pat Maloney, who was then a young Board member, succeeded in getting this subpoena quashed, thereby saving the sanctity of our amicus program. *Mulcahy* was resolved without appeal, and the issue never was codified into law.

After this decade of building its foundations and solidifying its position, the IDC was poised to move into the remarkable 1980s, the decade when all the careful building began to pay off.

The Years of Growth

In the 1980s, the IDC built upon the work that had been done between 1965 and 1980 to reach maturity as a legal association.

Richard H. Hoffman was installed as president of the IDC on June 20, 1980. He took over an organization with 438 members and a treasury of \$22,365.22. Ten years later, the organization was considerably larger and much more financially stable.

Dick Hoffman is a native of Rockford. He graduated from Illinois Wesleyan University in 1957 and from the DePaul University College of Law in 1962. He has been with the firm now known as Querrey & Harrow, Ltd. since 1964. He has been on the Board of the IDC, both as an elected member and a past president since 1973. He is also one of the few defense lawyers in recent memory to be elected to the Board of Governors of the Illinois State Bar Association.

This was the decade of the amicus brief with John Guy as chairman. By April 1981, the DRI rated Illinois second only to California in the size and effectiveness of its amicus program.

Hoffman's year began with a bang, or more accurately with an explosion. On the very day that Hoffman took

office, June 20, 1980, the Supreme Court of Illinois issued its opinion in *Rogers v. Robson Masters Ryan Brumund & Belom*, 81 Ill.2d 201, 407 N.E.2d 47, 40 Ill.Dec. 816 (1980), thus beginning the debate about the tripartite relationship that has rumbled through the defense bar for the past 20 years.

Dr. James D. Rogers was sued by a patient. Rogers referred the matter to his former malpractice carrier, which retained the Robson firm to defend him. The policy stated that the company could settle without obtaining the consent of a former insured, such as Rogers. Rogers allegedly told the Robson firm that he did not want the case settled. Nevertheless, the case was settled for \$1,250 under a covenant that denied that Rogers was liable. Rogers sued the lawyers. The trial judge in Will County entered judgment for the lawyers, and the case went to appeal on the pleadings.

The appellate court reversed, holding by a 2 to 1 margin on July 29, 1979, that the policy provision did not protect the lawyer, in that this settlement foreclosed other alternatives that might have been available to the doctor, such as defending himself at his own risk.

Rogers v. Robson did not generate a great deal of interest at the appellate level and the Supreme Court received only two amicus submissions. The first was by the ISBA, which argued that an ethical breach should not be a basis for malpractice. The second was by John Guy for the IDC, making the same point and also arguing that a lawyer should be entitled to rely on the contract between the carrier and the insured.

This was resolved on June 20, 1980, when the Supreme Court of Illinois in a very brief and unanimous opinion held that a lawyer retained by an insurance company cannot settle solely on the insurer's authority without the fully informed consent of the insured.

Rogers v. Robson was the first of four major amicus matters between 1980 and 1983. The second was even more remarkable.

On April 17, 1981, the Supreme Court of Illinois released its opinion in *Alvis v. Ribar*, 85 Ill.2d 1, 421 N.E.2d 886, 52 Ill.Dec. 23 (1981), judicially adopting comparative negligence in its pure form. Thus, a plaintiff who was 99% at fault would still recover 1% of the award. This was a complete reversal of the court's 1968 rejection of comparative negligence in *Maki v. Frelk*, 40 Ill.2d 193, 239 N.E.2d 445 (1968). The *Maki* court had held that such a change in public policy must be made by the legislature. By 1981, the General Assembly had refused six times to adopt comparative negligence and the Supreme Court therefore issued its *Alvis* opinion “to repair that injustice and reform the law.”

It is interesting to note that the Second District opinion in *Maki* judicially adopting comparative negligence was written by Justice Thomas J. Moran. Thirteen years later, Justice Moran was the author of the Supreme Court's *Alvis* opinion.

Alvis v. Ribar went to the Supreme Court on a direct appeal from a trial court. Therefore, it flew below the radar of many interested organizations. Guy, however, picked it up immediately, and the IDC filed an amicus brief arguing that comparative negligence should only be adopted by the legislature as part of a comprehensive statute.

In addition to refusing to refer this to the legislature, the court complicated the situation by not limiting its decision to prospective application. This was alleviated somewhat on petition for rehearing when the court limited comparative negligence to cases in which trial began after June 8, 1981.

A bill was introduced in the legislature to mitigate the effect of *Alvis* by delaying its effective date until July 1, 1983, or until a comprehensive bill was passed. This effort failed, and the details of implementation were left to be resolved on a case-by-case basis.

The educational wing of the IDC responded to *Alvis v. Ribar* by sponsoring a special seminar on May 26, 1981, featuring speakers from Wisconsin and Mississippi, both of which had comparative negligence. This was also the major focus of the 1981 Fall Seminar, which offered practical advice as to pleadings, proof, jury instructions, argument and tactics.

One result of *Alvis v. Ribar*, was to make the IDC a force in Illinois law with increased public awareness of its role.

Another major development of 1980-81 was the first Fall Seminar, a concept that had been discussed for several years. By 1979, the DTS had become very much a public event, attended by defense lawyers, employees of insurance companies, and above all by plaintiff lawyers.

The Fall Seminar began as a private brainstorming meeting for members of the IDC. The first was held at The Abbey on Lake Geneva, Wisconsin, on October 10-11, 1980. The chairmen were Pat Maloney and Leo Tarpey. There was no printed brochure. The information about the seminar came through a regular letter. It was limited to members of the IDC and attorneys in their office, and attracted 52 registrants.

The first Fall Seminar was in two parts. Part A was for experienced lawyers and discussed current topics of interest to the defense bar. Part B was a special two-part program for younger members.

The success of the first Fall Seminar led to a second, and a third, and the one that will be held in the fall of 1999 will be

the twentieth. Over those 20 years, the Fall Seminar has grown and changed and transformed itself into a Fall Conference which at one time was a four-day meeting.

As the years went by, the Fall Seminar became more and more a forum for intensive review of recent decisions. This included a discussion of comparative negligence in 1981, comparative fault in 1983, mandatory auto insurance in 1990, and the entire 1995 tort reform legislative package from 1995 through 1998.

The seminar remained at The Abbey through 1982, when it was moved to Lake Lawn Lodge. This was the result of a combination of factors. There was considerable dissatisfaction with the arrangements at The Abbey, particularly the fact that many registrants and their wives and children had to wait until almost the Friday evening dinner before getting into their rooms. Furthermore, there was the idea that Lake Lawn was more of a family resort, had larger grounds, and was more rustic. It was indeed rustic, and despite a friendly staff and good facilities, Lake Lawn lost the seminar to The Abbey in 1985. It was to remain there for six years.

The Fall Seminar began without dinner speakers. The first speaking program was a 1985 talk by Edward W. Mullins, Jr., of Columbia, South Carolina, the president of the DRI. The tradition of speakers has continued sporadically since that time.

The 1985 Fall Seminar, a symposium on professional liability, was significant for another reason. Although it is hard to imagine, the early seminars did not contain updates. The first pure update was tort in 1985. It was followed by insurance in 1987 and evidence in 1989. The updates are now a major feature of the fall program.

As the 1980s began to wind down, the seminar continued at The Abbey in essentially the same format. In 1988, the President's Dinner was followed by a cocktail cruise. The cruise preceded the dinner in 1989.

At this point, the IDC had a Fall Seminar which had been established for ten years, was comfortably ensconced in the Lake Geneva area, and which was going along nicely. Little did anyone know at that time that the 1990s would be a traveling feast of great innovation, highlighted by fires, power failures, gala extravaganzas and one-man bands.

Another accomplishment of Dick Hoffman's year was the rebirth of the IDC newsletter. The idea of reviving the newsletter had been a constant of IDC Board meetings for nearly 15 years, but nothing really developed. It was Hoffman who revived it in January 1981. The editor was Bill Tribler. The newsletter committee included Raymond R. Cusack, Lawrence R. Smith and R. Michael Henderson.

The first edition of the reconstituted newsletter bore a considerable resemblance to Herb Caplan's 1965 editions.

Illinois Association of Defense Trial Counsel

It was typed and reproduced on beige paper by North Shore Printers in Waukegan. The cost was \$160 for 1,000 copies.

The first newsletter announced the upcoming DTS, and reported that 75 members and guests had attended the first Fall Seminar and that the seminar was to be permanent. Hoffman's President's Message reported on the work of the amicus committee and Tom Fegan of Chicago analyzed the rejection of the "product line exemption" basis for liability of successor corporations.

The newsletter continued in this format until January 1986, when it began to be printed in blue ink on white paper. This was part of several changes that took place over the next few years, during which time the newsletter became more and more of a learned journal. This culminated in the summer of 1990 with a 16-page issue that included the now-traditional grey paper monograph, a six-page discussion of contribution among joint tortfeasors. This issue was clearly the predecessor in type face, paper, and general format of the *Quarterly* that was to follow.

There is a little confusion concerning the early newsletter. From 1980 to 1982, the IDC also distributed under the same name a case digest that was prepared by Querrey Harrow. Such digests later became a part of the newsletter and its successor, the *Quarterly*.

Hoffman was involved in legislation, dividing the legislation committee into interest groups directed toward wrongful death, punitive damages, comparative negligence and collateral source. This began an almost 20-year involvement with the legislative program during which time Hoffman has served as chairman since 1985. This is a record of service unmatched in the history of the IDC and probably unheard of in other legal organizations.

The 1981 Defense Tactics Seminar was the second to be held at the Chicago Marriott. It drew 521 attendees, but lost money. This resulted in a decision to increase the registration fee. It was done promptly, rising to \$55 in 1982 and to \$85 in 1983.

The DTS featured an analysis of *Rogers v. Robson*, a trial demonstration on examination of a mechanical engineering expert, and a luncheon talk by Alan Page, now a justice of the Supreme Court of Minnesota, but then active with the Chicago Bears.

Hoffman's year ended with the implementation of many of the New Image suggestions. Even more excitement was to come.



Ellis E. Fuqua became president on June 19, 1981. A graduate of Brown University and the Northwestern University School of Law, Fuqua had practiced in Waukegan

since 1947, achieving an excellent reputation as a trial lawyer and civic leader. He had been involved extensively in legislation and was one of the authors of the 1979 monograph on punitive damages.

One of Fuqua's goals was to increase membership and expand participation outside Cook County. He emphasized in July 1981 that IDC membership "is not limited to people who have worked for years and years representing insurance companies" but is open to lawyers who have been actively engaged in the practice of law for two or more years and who devote a substantial portion of their litigation practice to defending personal injury and similar matters.

In his President's Message of January 1982, Fuqua referred to the growing use of mediation and arbitration and decried the use of unnecessary discovery. This was the first indication to many of the members of what were to be significant issues over the next 15 years.

Fuqua divided the legislative committees into two additional groups. The first formulated and promoted new legislation. The second dealt with objectionable legislation. He also supported the idea of hiring a legislative representative.

The IDC was unsuccessful in reaching Fuqua's second goal, the adoption of the "Wisconsin" form of comparative negligence. This had to wait until 1986.

Fuqua also inherited a financial crunch. This arose due to the expenses of two seminars and the cost of the amicus brief to reconsider *Alvis v. Ribar*. In addition to increasing the registration for the 1982 DTS to \$55, the IDC "bit the bullet" on dues.

The dues had been \$35 a year since 1977. By 1982, it was obvious that the organization needed more money. Therefore, on June 18, 1982, the dues were raised to \$100 a year for lawyers with more than five years of experience and \$50 a year for those with less than five years. This additional money was earmarked for the amicus program and additional legislative involvement, such as a two-day trip to Springfield by Hoffman and Guy in May 1982 to talk to legislators and lobbyists in an attempt to formulate a logical approach to tort damages by assessing damages based upon the causal relationship of tortious acts of the both parties *and non-parties*.

While the IDC was not successful in eliminating third-party pleadings and joint and several liability, it made itself far more visible in the legislature and established relationships that were to prove very valuable five years later. It also confirmed that the IDC needed a legislative representative.

The 1982 DTS was the first at the \$55 registration rate. Contrary to some fears, it drew 507 attendees. It featured a trial demonstration on closing argument in comparative negligence cases, the fifth straight year of trial demonstrations.

The speaker was Michel Coccia, president of the Illinois State Bar Association and former ethics chairman of the IDC

Fuqua's year ended on a sad note when Richard C. Valentine, the 1979-80 president, died unexpectedly on April 3, 1982, at the age of 53. Dick Valentine was active in promoting voluntary arbitration up to the last two months of his life.



The remarkable career of **John Guy** reached its pinnacle on June 18, 1982, when he took office as president of the IDC. He has been remembered through The John E. Guy Award, which is given for outstanding accomplishment.

John Guy was born in Chicago in 1924. He was a graduate of the University of Chicago and The John Marshall Law School and joined the IDC in 1965. He became a member of the Board in 1972, was on the DTS committee from 1974 to 1982, and conducted its amicus effort for nearly 15 years. His interest in the law was such that he was once described at a Fall Seminar dinner in the early 1980s as "the only man in the world who has a Lexis machine in his kitchen."

Guy had two overriding interests in the law. The first was to repeal the Structural Work Act, which he regarded as an abomination almost unmatched in human experience. Everyone thought that this was a purely quixotic endeavor and we can only imagine how pleased Guy would have been when in 1995, the General Assembly repealed his detested Act. The second goal was to expose the Illinois Trial Lawyers Association. He suggested that ITLA be required by some unknown authority to call itself the Percentage Lawyers Association. While this did not come to be, it can never be said that the plaintiffs were not aware of John Guy.

Guy's finest hour came on December 15, 1982. An announcement had been made at the November Board meeting that ITLA was giving an award to John Guy, and the directors were invited to attend. Six IDC Board members went to Poor Man's Night, perhaps to protect Guy, but certainly to find out what kind of an award they were giving him. The award turned out to be "Asshole of the Year." Guy went to the podium, clutched the award, posed for photographs with a large smile, and then spent about five minutes telling the assembled multitude what he would do to ITLA if he had his way.

Guy was deeply offended by the judicial legislation of *Alvis v. Ribar* and he made every effort to reverse it. He suffered a major disappointment when *Coney v. J. L. G. Industries, Inc.*, 97 Ill.2d 104, 454 N.E.2d 197, 73 Ill.Dec. 337 (1983), expanded comparative negligence to include actions or claims seeking recovery under product liability

or strict liability in tort. The court also held that comparative negligence did not eliminate joint and several liability. Both holdings rejected the IDC position that comparative negligence should not apply to such torts and that joint and several liability should be eliminated.

In the fall of 1982, the IDC helped thwart a bill that would have eliminated the distinction between discovery and evidence depositions. Later in Guy's term, S.B. 87, which would have imposed prejudgment interest, was defeated, 41 to 14, in the Illinois Senate. Leo Tarpey and Richard Berdelle, Sr., went to Springfield in March to testify against the prejudgment interest bill. More than 100 organizations opposed prejudgment interest. Only ITLA was in favor. Michael McCreery, who joined the IDC as legislative representative on March 25, 1983, was very effective in this effort.

Guy also participated in the internal workings of the IDC. He had promoted and obtained passage of a bylaw amendment on June 18, 1982, providing that election as an officer "may" constitute resignation as a director. This allowed a new director to be appointed, thereby expanding the Board and eliminating the possibility that an officer might be defeated for re-election to the Board, thereby losing his office. This was further modified in 1985 to delete the discretionary language and require that the president and resident-elect resign their elected directorships. As before, it was provided that officers may be elected from both past and present board members.

Also on June 18, 1982, the bylaws were amended to divide the state into "Cook County" and "Downstate" and require that at least one director be elected from each area every year.

Guy was extremely protective of the independence of the IDC. On September 17, 1982, the Board decided not to offer memberships to corporations or insurance companies on the theory that they had their own organizations and that the IDC must be independent of special interest groups.

The 1983 DTS was the fourth and last to be held at the Chicago Marriott. The registration fee increased to \$85. Attendance was down a bit to 360, but the seminar showed a profit. The theme was "damages" and the trial demonstration was how to make effective closing arguments on damages. Douglas P. Roller, of the Department of Justice Strike Force, was the luncheon speaker.

On April 22, 1983, the IDC Board unanimously rejected a suggestion by ITLA that the two organizations combine to make vacation condominiums available to judges for \$200 a month.



Leo M. Tarpey, Jr. is a native of Chicago. He graduated from Loyola University in 1954 and obtained a law degree from Loyola in 1957. At the time of his inauguration in June 1983, he was partner in the firm of Pretzel & Stouffer. He had been very active over the past six years with the IDC, having served as co-chairman of the first Fall Seminar and participating in legislative endeavors.

In a very prescient President's Message in January 1984, Tarpey discussed the rising financial pressures on lawyers.

Lastly, it once again strikes me that "cost containment" is getting to be a paramount issue in the defense field. Our respective clients continually chant "hold down the costs", and yet we lawyers, as a result of our obligations, continually want to provide our "best legal services." How does the twain ever meet? We can, of course, go either way. We can hire less skilled lawyers, pay them less money, and consequently bill our clients less. Or we can hire more skilled lawyers, pay them more and consequently bill more. What do our clients really want in the final analysis? Are costs more important than results, or results more important than costs? Or which factor costs more in the final analysis? This is what attorneys and clients in the future need to decide. It is perhaps the challenge of our times.

No one, not even Leo Tarpey, could see what was coming in the way of audits, auditing services and the growth of house counsel.

One of Tarpey's goals was to build relationships among the members of the IDC. He felt that this was best done through social contacts, and to that end, appointed a special events committee. In a report on November 14, 1983, this committee recommended that the IDC have cocktail parties in the spring and fall, that it greet the Defense Research Institute on its move to Chicago and that the 1984 annual meeting be a dinner dance at a Chicago hotel. The IDC did in fact hold a cocktail party in the spring and there was a dinner dance at The Westin Hotel.

The 1984 DTS drew 471 in its first of many appearances at The Westin for a far-ranging program that included the first report by IDC Legislative Representative W. Michael McCreery and a luncheon talk on demonstrative evidence by Mark Dombroff of the Department of Justice.

Shortly after the IDC amicus program suffered the disappointment of *Coney v. J.L.G.*, it scored a victory that was totally unexpected.

Torres v. Walsh, 98 Ill.2d 338, 456 N.E.2d 601, 74 Ill.Dec. 880 (1983), went to the Supreme Court on the plaintiff's

petition to compel Judge Alfred T. Walsh to vacate his order transferring a case from Cook County to Sangamon County on the then-unknown theory of intrastate *forum non conveniens*.

Elias and Celia Torres, who lived in Texas, were injured in an automobile accident near Springfield. They sued a hospital and certain medical personnel in Cook County. The defendants moved to transfer venue to Sangamon County, where the medical care defendants and the other motorist lived. Judge Walsh agreed and transferred the case to Sangamon County. *Torres v. Walsh* attracted three amicus briefs, from the Illinois State Medical Society, the Illinois Hospital Association, and the IDC. Interestingly enough, ITLA did not consider the case to be particularly significant and did not submit an amicus brief.

The IDC brief was very short, arguing only that *forum non conveniens* was another tool which should be available to Illinois judges and that those judges should be trusted to use it judiciously.

On the direct appeal, the Supreme Court ruled that transfer to another county existed at common law, that no statute is necessary, and that Judge Walsh was correct. This created, or recognized, an Illinois doctrine of intrastate *forum non conveniens*.

This was great victory for the defense bar. In the 1967 first edition of the IICLE chapter on venue, *forum non conveniens* took less than one page. The same chapter in the latest edition fills ten pages, largely devoted to intrastate questions. Hundreds of cases have been transferred from plaintiff-friendly counties such as Madison and St. Clair to more convenient counties.



Willis R. Tribler of Chicago was inaugurated as the 20th president of the IDC at a dinner-dance on June 15, 1984, at the Consort Room of The Westin Hotel. Tribler graduated from Bradley University in 1955 and from the University of Illinois College of Law in 1960. He came to Chicago in 1969 after seven years with Heyl Royster Voelker & Allen in Peoria to become assistant director of the American Judicature Society. He entered practice in Chicago in 1971, joined the IDC in 1972, and was elected to the Board in 1976.

In his first President's Message, Tribler summarized the first 20 years as follows:

(The IDC) has grown to 477 members around the state, it presents two seminars, it is actively involved in legislation and has a formal amicus curiae program, it has an annual dinner, it produces monographs on the law, and it communicates regularly with its members through this newsletter and other

publications. Unfortunately, it seems to have lost the use of the name “trial lawyers”.

The year was highlighted by an effort to reconstitute the committee structure to emphasize substantive law areas and create permanence and stability. To this end, the committees were restructured into seven groups (long-range planning, legislation, development of the law, continuing legal education, publications and public relations, membership, and meetings.) Each group reported to an officer in the same manner as ISBA committees report to a member of the Board of Governors.

In the legislature, the IDC opposed a proposition which would have made contributory negligence an affirmative defense, passed a resolution opposing mandatory continuing legal education, created a quick-response team for legislation, and opposed a very odd seat belt bill which passed the Illinois Senate, 32 to 27, with the remarkable provision that failure to use a seat belt cannot be introduced as evidence of contributory negligence. As soon as the seat belt bill passed, the IDC tried to get the legislature to delete the bar to contributory negligence. Larry Smith appeared on Channel 7 to state our position.

Justice Howard Ryan of the Illinois Supreme Court was promoting mandatory arbitration in 1985. Dick Hoffman went with a group to Philadelphia to examine the Philadelphia Plan of Compulsory Arbitration, under which each case filed for \$20,000 or less gets an arbitration date eight months after filing.

The IDC made a significant move on April 24, 1985, when the directors made a bus trip to Springfield for a Board meeting. It was the first in many years to be held outside Chicago. The meeting was followed by a reception and dinner for legislators at the Sangamo Club. There was no agenda and no lobbying. The primary purpose was to increase awareness of the IDC.

The Defense Research Institute moved from Milwaukee to Chicago in 1984. The IDC was one of the sponsors of a reception on October 11, 1984, at which Tribler gave welcoming remarks.

Opposition to punitive damages continued to involve the IDC, which proposed limiting them to a fixed percentage of compensatory damages, giving any proceeds to the public, limiting the plaintiff’s fee to 5% of punitive damages, and imposing sanctions for purely tactical filings of such claims.

Internally, the informal practice of having junior and senior co-chairmen of the DTS was changed to a chairman and a vice-chairman. That having been done, the DTS returned to The Westin on March 9, 1985. It attracted 420 to a program featuring jury selection, motions

in limine, photographic reconstruction, and a luncheon talk by Mike Ditka of the Chicago Bears, who told us to be an ACE.



Alfred B. LaBarre took office on June 14, 1985, at a dinner-dance at The Westin Hotel featuring the Franz Benteler Orchestra.

Pete LaBarre is a native of Springfield who has practiced there for 30 years. He is a graduate of the University of Illinois and of the University of Illinois College of Law. He was a partner of the tenth president, Lee Ensel, and he was involved extensively in legislative matters while working his way to the presidency.

LaBarre’s years on the Board produced an ever-increasing legislative presence which culminated with the hiring of a legislative representative and the creation on January 24, 1986, of the Defense Trial Counsel’s Political Action Committee. The PAC is still active and has been a significant part of the IDC legislative effort.

One of LaBarre’s goals was to increase awareness of the IDC among the profession and the public. When he took office in June 1985, the membership was 465. That was only a 50% increase from the 319 members that the IDC had at the start of 1970. In addition to working to increase membership and the understanding of the legislative process, LaBarre favored a change of name to better reflect what the IDC does.

One of the constants throughout the history of this organization is dissatisfaction with its name. If you start with the assumption that any name short of “Illinois Association of Trial Lawyers Who Defend Individuals, Corporations and the Clients of Insurance Companies in Civil Matters” is inadequate, you can grasp the magnitude of the problem.

The retentive reader will recall that “Illinois Defense Counsel” was itself a compromise. The original name was Defense Lawyers Association. This name lasted until someone realized that the initials could be pronounced “delay”, thereby identifying the organization with delay in the courts. The organization operated for 20 years as Illinois Defense Counsel, not out of any great love for that name, but because of a lack of agreement on an alternative.

The name change finally came about under Pete LaBarre in 1985. It was not without conflict. As LaBarre said in a letter of December 28, 1998:

I know that the name change is a touchy subject, but I’ll throw caution to the wind and take credit for that as well. If I remember correctly, my chief opponent in this particular modern, forward looking endeavor

Illinois Association of Defense Trial Counsel

was a certain stodgy traditionalist who shall remain nameless.

The lines were drawn among the officers. The stodgy traditionalist, Bill Tribler, and Bob Dewey felt that while Illinois Defense Counsel was not perfect, there was no better alternative and that to change the name would throw away the public image that had been built up over 20 years. LaBarre and Pat Maloney felt that "Illinois Defense Counsel" was a handicap in the legislature, where the denser members "immediately categorized us as advocates of matters relating to civil defense; as in bomb shelters and air raid sirens."

The issue first appears in the IDC minutes of April 24, 1985, when a committee of the officers and Leo Tarpey was directed to search for a new name. Interestingly enough, the name suggested in those minutes was "Illinois Defense Lawyers Association", the same name that was rejected in 1965. On June 14, 1985, a resolution was passed allowing the name to be changed without waiting for the next annual meeting.

By July 1985, with the old name taking on water and listing badly, the proponents of "Illinois Defense Counsel" abandoned the fight and agreed to a compromise whereby the IDC logo remained but the name became "Illinois Association of Defense Trial Counsel." This name was adopted by the membership at the 1985 Fall Seminar.

Tribler, never a cheerful loser, still calls it the IDC.

The IDC was involved with the Illinois Coalition on the Insurance Crisis in 1985-1986. The goals of this coalition were to eliminate joint and several liability, to place a cap on awards for pain and suffering, and to eliminate the collateral source rule. The group also favored a prohibition against requiring contribution from an employer who had paid worker's compensation benefits. The IDC agreed with these goals and also targeted the elimination or reduction of punitive damages.

The second downstate Board meeting was held in Springfield on April 9, 1986. This included an unexpected private conference with Governor James Thompson, who asked the Board members for anecdotal evidence in support of the Insurance Crisis Bill.

The 1985-86 board also moved to solve some financial problems. It increased the registration fee for the Defense Tactics Seminar to \$95 for members and \$115 for non-members. This was the first split in the amount of fees. It also eliminated an inequity which had existed from the very start. On June 28, 1985, the Board agreed to pay for the monthly Board luncheons. This was directed primarily to the downstate directors, who previously not only lost a day but paid for their own lunches. On July 26, 1985, the Board agreed

to pay the travel expenses of downstate directors. This ended the long-standing tradition under which Board members had to bear the costs of their participation.

The IDC was on the losing side in *Prewein v. Caterpillar Tractor Co.*, 108 Ill.2d 141, 483 N.E.2d 224, 90 Ill.Dec 906 (1985), in which the Supreme Court held that comparative negligence did not apply to plaintiffs under the Structural Work Act. Of seven amicus briefs, only the IDC supported the proposition that comparative negligence should apply.

The 1986 DTS was held at The Westin on March 8, 1986. The speaker was Gary Fencik of the Chicago Bears. It was barely five weeks after the Super Bowl victory, and Fencik gave a wry view of the entire memorable season. The program included sessions on employment law, RICO and the CGL policy. This success came despite myriad problems, including a speaker with an emergency appendectomy, a speaker with a death in the family, and a speaker whose airplane was grounded.

LaBarre's year ended on a very high note when, on April 9, 1986, it was announced that the IDC had 506 members. This was an increase of 38 during LaBarre's year and the first time that the membership had ever reached 500.



Patrick E. Maloney of Chicago became president of the IDC at a luncheon meeting on June 20, 1986, at the Chicago Athletic Association. He is a native of Chicago who has an undergraduate and a law degree from the University of Notre Dame. In addition to being president of the IDC, he became the only IDC officer ever to be president of DRI.

Maloney believed that the assets of the IDC should be used to further the goals of the IDC. He did not emphasize making or losing money, operating on the theory that seminars and dinners are benefits created by dues of the members and probably should lose money.

Maloney presided over a victory for tort reform when the Insurance Crisis Bill, Senate Bill 1200, went into effect on November 25, 1986.

The legislative package made four significant changes. The most rewarding to the IDC was the passage of 735 ILCS 5/2-1116, which eliminated "pure" contributory negligence and adopted the Wisconsin plan, under which a plaintiff who is more than 50% at fault cannot collect damages in negligence and product liability cases and a plaintiff who is less than 50% at fault has his recovery reduced in proportion to his fault. Unfortunately, 735 ILCS 5/2-1107.1 required the court to instruct the jury that the defendant is to be found not liable if the plaintiff is more than 50% at fault. Even with this red flag, the statute was a significant improvement over the "pure" form.

The second change was to joint and several liability. Under 735 ILCS 5/2-1117, joint and several liability was limited to environmental and medical malpractice awards. A defendant in negligence or product liability actions whose fault is 25% or less is liable only severally.

There were two significant modifications to punitive damages. Under 735 ILCS 5/2-604.1, in negligence cases or product liability cases based on strict tort liability, the plaintiff was barred from seeking punitive damages in the prayer for relief and must obtain leave of court to add such a prayer. 735 ILCS 5/2-1207 authorized the trial court to award a *remittitur* and a conditional new trial for excessive punitive damages. The statute also allowed the trial court to apportion punitive damages among the plaintiff, the plaintiff's attorney, and the Illinois Department of Human Services. This was a partial step toward the goal of making all punitive damage awards payable to a governmental body.

The lead for the IDC was taken by Dick Hoffman, who, at the conclusion of 1986, was commended for "a marvelous job and devoted service."

The news was not all good in 1986-1987. *Petrillo v. Syntex Laboratories, Inc.*, 148 Ill.App.3d 581, 499 N.E.2d 952, 102 Ill.Dec. 172 (1st Dist. 1986), survived an attempted appeal and became the law of Illinois. It forbade defense lawyers from talking to the plaintiff's treating physicians other than by formal discovery. This opinion has triggered more than 12 years of effort by the IDC to get it set aside.

On October 24, 1986, John Guy, the long-time leader of the amicus program, resigned as chairman. His successors continued to cut costs by going on a rotational basis, and by January 1987, 47 firms had volunteered to write amicus briefs.

The 1987 DTS drew 380 registrants at The Westin. This was despite an increase in the registration fee to \$100 for members and \$125 for non-members. The program included legal ethics, medical discovery, and explanations of the reasonable effects of injuries to the knee, low back and spine. The speaker was Vince Tobin, defensive coordinator of the Chicago Bears. He was the third of the "Three Bears," following Mike Ditka and Gary Fencik.



Robert V. Dewey, Jr., of Peoria took office on June 25, 1987, at a memorable annual meeting at the Chicago Athletic Association. A native of Henry, Illinois, Dewey graduated from Brown University and the University of Wisconsin Law School. He was the second of three presidents to come from Heyl, Royster, Voelker & Allen.

The special nature of the annual luncheon resulted from the presence of 11 former presidents. The IDC began

awarding plaques to retiring presidents in 1982. By 1987, it was realized that the earlier presidents had been shorted. Accordingly, on June 26, 1987, plaques were presented to Tom Bridgman, Bill Voelker, Bert Thompson, Jack Skeffington, John Langhenry, Bow Pritchett, John White, Larry Storms, John Ewart, Dick Hoffman and Ellis Fuqua. As part of the ceremony, it was noted that the IDC was lucky to have all but one of its past presidents alive and well. That situation was to last about a week, and in all three past presidents (Guy, Fuqua and Lee Ensel) were to die in the next 13 months.

Guy missed this annual meeting for one of the very few times. He had gone a boating trip to the boundary waters in northern Minnesota. On June 30, 1987, Guy was lost when his boat capsized. His death was a terrible loss to the organization.

Things were rather quiet on the legislative front in 1987 and 1988. There were, however, significant amicus developments. *Trower v. Jones*, 121 Ill.2d 211, 520 N.E.2d 297, 117 Ill.Dec. 136 (1988) allowed a defendant to ask how much a medical expert witness earned annually as an expert and also how often the plaintiff's medical expert testified for plaintiffs. *Kirk v. Michael Reese Hospital and Medical Center*, 117 Ill.2d 507, 513 N.E.2d 387, 111 Ill.Dec. 944 (1987) strictly limited the duty of drug manufacturers, physicians and hospital personnel to warn of potential side effects of a prescription drug. *Dralle v. Ruder*, 124 Ill.2d 61, 529 N.E.2d 209, 124 Ill.Dec. 389 (1988) held that parents have no cause of action for loss of companionship and society resulting from non-fatal injuries to a child.

The 1988 DTS was held at The Westin. It attracted 332 registrants with a program on third-party practice, damages, and rehabilitation. It featured an excellent speech by Walter Shapiro of Time, who previewed the 1988 election.

The Board made a significant move in May 1988, when it authorized a dues rate of \$25 for the first year for new members. This turned out to be a very significant factor in the growth of the IDC in the late 1980s, as 60% of those who joined for a discount renewed at the regular rate.

Perhaps the most far-reaching decision of Dewey's year came on May 27, 1988, when the long-planned Trial Academy was approved. The first Academy was held at Oak Brook Hills in January 1989, with a second session in Springfield in February 1989.



Lawrence R. Smith became president on June 30, 1988, at a luncheon at the Chicago Athletic Association. Smith is a graduate of Holy Cross University and the University of Michigan Law School. He started his professional

Illinois Association of Defense Trial Counsel

career in 1973 with the firm now known as Querrey & Harrow, Ltd.

Smith presided over the 25th anniversary of the IDC, which was celebrated at a dinner-dance at the Art Institute of Chicago on March 10, 1989. Among the guests were Attorney General Neil F. Hartigan, State Representative Lee Daniels, and ISBA President-Elect Leonard F. Amari.

The Friday evening program was followed by a Defense Tactics Seminar attended by 308 at The Westin. In addition to insurer insolvency and defending psychiatric damages, the program featured reports on the present state of the association from Larry Smith, Shaun McParland Baldwin, Dan Formeller and Dick Hoffman. The luncheon program featured three past presidents. Royce Rowe spoke on the early years, Bill Tribler recounted the accomplishments of the IDC, and Bow Pritchett closed with an inimitable talk about lighter moments in the history of the organization.

The \$25 first-year membership that was adopted at the end of Bob Dewey's term proved to be a great success. For instance, 52 new members were approved on November 18, 1988, and another 18 on December 16, 1988.

The first Trial Academy was held at Oak Brook Hills in January 1989. It attracted 24 registrants. The later meeting in Springfield had a similar attendance. The success of the first session has led to the Trial Academy's becoming a permanent part of the IDC program.

A long-range planning meeting was held in St. Louis on May 13, 1989. It was preceded by a reception at Collinsville, Illinois, that was attended by 50 members from Downstate Illinois. The meeting in St. Louis focused on finances, particularly the need to hire a professional administrator, and an analysis of the cost-benefit ratio of the legislative program.

The amicus program achieved a good result in *Gibellina v. Handley*, 127 Ill.2d 122, 535 N.E.2d 858, 129 Ill.Dec. 93 (1989), which eliminated a practice whereby a plaintiff could voluntarily dismiss a case to be refiled even though dispositive motions were pending.



R. Michael Henderson became the 25th president of the IDC on June 9, 1989. Henderson is a graduate of the University of Illinois and the Loyola University Law School. He has practiced in Peoria since 1969 with the firm now known as Quinn Johnston Henderson & Pretorius.

Henderson's year was marked by the second and final retirement of Arlene Moody as executive secretary. Mrs. Moody had served in this capacity, except for an eight-month hiatus in 1979-1980, since 1965. Her retirement was the subject of well-deserved praise, including these

two tributes in the Winter 1989 newsletter.

The first was by Dick Hoffman:

Arlene Moody has been connected with the IDC for as long as I can remember. We always depended on her quiet efficient manner to make all of the necessary arrangements for our seminars, including mailings, getting materials printed and bound, coordinating with the hotel, keeping speakers alerted on their deadlines for submitting their written materials and scheduling all the necessary additional help on the day of the seminar.

Arlene also made all the arrangements for the Board meetings, seminar dinners and handled all the finances and got out all the monthly notices. All of us at one time or another can remember an occasion, rare as it was, when Arlene was unable to attend a board meeting. Our minutes were just not the same when she wasn't there.

If anyone had a question concerning the organization, we always said, "Ask Arlene." She had all the answers.

Every officer and seminar chairman will join me in thanking Arlene for taking care of all the details. We merely showed up at the appointed hour and pretended that the smooth running seminar or meeting was the result of our efforts when in fact Arlene made it all happen.

IDC is indebted to Arlene. Thanks much, Arlene.

The second was by Bill Tribler:

I first met Arlene Moody in the early summer of 1971, when she was Bert Thompson's secretary, and her name was still Arlene Carpson. I had been told that "Arlene Carpson runs the IDC". Little did I know. Little did any of us know.

It later became almost a ritual to introduce Arlene at the spring seminar and other events, concede that we could not function without her, and give her a round of applause. Unfortunately, I can say from firsthand experience that we really could not get along without her

Arlene "retired" once before, in 1979-1980 when the late Dick Valentine was president and I was secretary-treasurer. Other than putting on the spring seminar, Dick and I and the other officers had to do everything without Arlene, and it was not pleasant. Notices were often late, letters were prepared when they could be prepared, and the minutes, like all my minutes, were very cryptic. ("We met. Pritchett complained that the waiters were too slow. Guy ripped

up the plaintiff's bar. We adjourned.") It was an act of great charity, and perhaps the salvation of the organization, when Arlene came back in the fall of 1980 before I could do any more damage.

And so Arlene has retired again, this time probably for keeps. Even though her job has passed to very capable hands, we will not be same without her, and we can only rejoice that she is still young and healthy and that this is a much, much better organization than it would have been had she not been part of it.

Arlene Moody handled all of the business of the IDC. She made purchases, approved bills, signed checks, balanced the checkbook, and kept all bank records. She was very difficult to replace, and it fell upon Henderson to organize a new system for a rapidly expanding organization. He did that very well.

After a short-lived arrangement in 1989-90, the IDC entered into a contract with Karen Barr and Shirley Stevens. Ms. Stevens became executive director in 1992 and has been a worthy successor to Arlene Moody over the past seven years.

Henderson's year was excellent for continuing legal education. The second Trial Academy was held in January to outstanding reviews. The Fall Seminar attracted 86 and made a profit.

The 1990 DTS had very high quality speakers. Victor I. Schwartz of Washington, D.C., spoke on products liability. The luncheon speaker was Steven B. Goldberg of the Northwestern University School of Law, who discussed the arcane world of baseball salary arbitration. His point was that baseball arbitration is unlike any other arbitration.

The IDC was successful with an amicus submission in *Dunn v. Baltimore & Ohio Railroad Co.*, 127 Ill.2d 350, 537 N.E.2d 738, 130 Ill.Dec. 409 (1989). The Supreme Court held that the adoption of comparative negligence did not expand or otherwise alter the duty owed by a defendant to a plaintiff. In so holding, the court rejected the idea that a defendant's duty is conditioned on the plaintiff's conduct and that a railroad has a duty under comparative negligence to anticipate and guard against the negligence of others.

The organization continued to grow. It added 73 new members in the last six months of Henderson's term to exceed 800 for the first time. In addition to an updated brochure and the \$25 new member rate, this was the result of invitations sent to more than 500 lawyers who had been named in the Jury Verdict Reporter as representing defendants during the previous year.

Another milestone was reached when Jill Berkeley became the first woman director of the IDC as a past DTS chair in 1989. She was then elected to the Board in 1990.

The end of the 1980s found the Illinois Association of Defense Trial Counsel to be a mature organization with a solid financial base and the beginning of a permanent professional staff. We now review a decade which included a fourth seminar, a greatly expanded legal journal, and the beginnings of the national presence that the founders had envisioned.

The Years of Maturity

The effort of the previous 25 years began to bear significant fruit in the 1990s when the organization, eventually exceeding 1,000 members, became a significant presence in the legislature, continued its successful amicus program, and achieved remarkable success in the field of publications.



Paul L. Price became president on June 8, 1990. He is a native of Chicago who graduated from Loyola University and the Chicago-Kent College of Law. It has been said that there is no such thing as a "former Marine" — once a Marine, always a Marine. It was this military training and ability to organize that made Price an outstanding president of the IDC.

Price's most lasting accomplishment was the Quarterly. In this regard, he supported Jack T. Riley, Jr., who had become editor of the Newsletter in 1990 and had instituted some of the changes that were to be adopted in the Quarterly. Nevertheless, the Quarterly was a quantum leap for the IDC, and the ultimate achievement of Frank Morrissey's 1965 plan for a learned publication.

The *Petrillo* rule continued to be a major handicap for lawyers defending medical malpractice cases and consumed a great deal of time in the councils of the IDC. By February 1991, a special committee had been established to deal with this problem. Unfortunately, it got worse. On February 5, 1991, the Fifth District came down with *Nastasi v. United Mine Workers of America Union Hospital*, 209 Ill.App.3d 830, 567 N.E.2d 1358, 153 Ill.Dec. 900 (5th Dist. 1991). In that case, the court imposed severe sanctions, including barring the defendant's medical expert, against an attorney who wrote a letter to a treating physician. Repeal of *Petrillo* was to become one of the major features of the 1995 tort reform package.

There was another complication. It was reported in July 1990 that the IDC was unable to get agreement from the Illinois State Medical Society about overturning *Petrillo*. It appears as though the doctors, despite the fact that they might be sued for malpractice, were happy about not having to meet with lawyers.

The Defense Tactics Seminar, by now commonly known as the Spring Seminar, was held on March 2, 1991, at The

Illinois Association of Defense Trial Counsel

Westin. It included dealing with closed head injuries, defending claims for loss of society, and an analysis of the new rules of professional conduct. The luncheon featured an excellent speech by Dan Webb of Winston & Strawn, including what it was like to depose President Reagan.

Price's year was also marked by considerable internal change. The most significant was retaining a professional staff.

In the culmination of a project that had begun in Mick Henderson's year, K. E. Consultants, Inc., was hired to act as executive director. Karen R. Barr was the original executive director with Shirley Stevens acting as the primary meeting planner and contact person. Ms. Stevens was introduced to the Board on July 20, 1990, and became executive director in July 1992.

The year also produced two moves. The office moved to Springfield, leaving Chicago for the first time, and the regular site of Board meetings was changed to the Metropolitan Club in Chicago, following nearly 20 years at the Union League Club.

By July 20, 1990, the IDC had 900 members. The \$25 first-year membership fee expired, and the dues returned to \$50 for lawyers with less than five years of experience and \$100 for those with more than five years.

The 1990 Fall Seminar was the last to be held at the Abbey. It had a good program which attracted 71 registrants and included environmental claims, punitive damages, mandatory automobile insurance and surveillance. State Senator Bob Kustra, later to be lieutenant governor, was the featured speaker, but the entertainment after his speech was the real story.

The Abbey had offered a one-man band. The man had performed on several occasions and had been well received. However, he was a hard sell in front of the IDC. He was drowned out by conversation and never really took hold of the group, which finally held its own karaoke session. This was yet another of the hilarious incidents that seem to follow the Fall Seminar.



Stephen L. Corn became president of the IDC on June 14, 1991. He was the third president, following Jack Horsley and John Ewart, to come from the Mattoon firm of Craig & Craig. Corn is a 1966 graduate of the University of Illinois and a 1969 graduate of the University of Illinois College of Law.

The Fall Seminar hit the road in 1991, going to St. Louis. It was a very current seminar covering employer liability and hedonic damages. The social highlight was a cruise on the Mississippi River. The registration increased from 79 to 118, with the Chicago registration down from 52 to 32. This was more than a three-fold increase in

downstate registration, thereby exposing the IDC to an entirely different group.

As a result of the success in St. Louis, the Board decided on November 22, 1991, to hold the Fall Seminar in either St. Louis or Southern Illinois every three years. This has actually worked out to every four years, but the general plan has been good for the IDC.

The organization continued to be active in legislation and the development of the law. It was reported on November 22, 1991, that the Illinois Manufacturers Association was promoting a statute which would impose costs and fees on the loser and that the Illinois State Medical Society wanted limits on economic losses in medical malpractice cases. Later, Judge Donald O'Connell of the Circuit Court of Cook County asked the IDC to comment on a proposal to adopt individual trial calls in an attempt to reduce the backlog. The IDC was in favor of the general theory of such a change.

Members of the IDC also testified in early 1992 in favor of repeal of the Structural Work Act, the elimination of employer contribution in cases involving worker's compensation, and that old faithful, the modification of the seat belt law to allow failure to buckle the belt to be used as evidence of contributory negligence.

Corn's year saw the approval on April 23, 1992, of a one-day Rookie Seminar to be held at the John Marshall Law School on October 16, 1993. This was directed to lawyers who had been out of law school for two years or less. In approving the one-day format, the Board rejected holding a series of luncheon programs.

The Trial Academy continued to prosper, drawing 33 registrants for a single session. By 1992, it had become a permanent part of the IDC Seminar package.

The fiscal year was changed in 1992 from a calendar year to July 1-June 30, and the top level of dues was increased to \$150 per year for those with more than ten years' experience.

The IDC decided to issue its first printed annual report in 1992-1993, and also constituted the Executive Committee as the executive board of the Quarterly. The IDC also approved DRI as an umbrella organization for a National Association of State Defense Organizations. This was another example of improved relations between the IDC and DRI. The early enmity had been dissipating ever since Tom Weithers of Chicago, the president of DRI, had explained its plans and purposes at an IDC annual meeting in 1978.

The DTS made its ninth consecutive appearance at The Westin on March 14, 1992. The program included dealing with "junk science", failing to diagnose, and defense tactics and strategies. Jerold S. Solovy, chairman of the Committee

of 50, spoke on the Operation Greylord investigation of judicial misconduct. The attendance was over 300.

The year ended with the news that Paul Price had received the Fred H. Seifert Outstanding Defense Bar Leader Award from DRI.



Rudolf G. Schade, Jr., became president of the IDC on June 5, 1992, at the Metropolitan Club. No president had ever had so much experience with the organization.

Schade had joined the IDC in 1974 and was the chairman of the 1975 DTS. He was elected to the Board in 1977, and had served five years as an officer. Along the way, he had served as chairman of the 1979 New Image Committee. He was a graduate of Heidelberg College and the John Marshall Law School. He is a partner at Cassidy Schade and Gloor in Chicago.

As had become traditional by 1992, the ever-entertaining Fall Seminar took center stage. The 1992 session was the first ever held in Illinois, at the Eagle Ridge Inn and Resort in Galena. Eagle Ridge is a very fine facility which seems to be spread out over half of Northern Illinois. This became obvious when, almost immediately upon the signing of the IDC contract in January 1992, the place burned down.

At about 7 p.m. on Wednesday, January 8, 1992, a fire broke out in the main building. Firefighters from 27 volunteer departments, including units from Wisconsin and Iowa, battled the fire through the night. When all was done, the damage to the front desk, restaurant, lounge and upstairs meeting rooms was such that the main building had to be demolished.

Despite the fact that the meeting rooms, the dining room and all public facilities were gone, Eagle Ridge assured the IDC that all would be in place by the Fourth of July. Eagle Ridge was wrong. The meeting was held at a construction site.

The seminar meetings and the social events were held at the Owner's Club. The problem was that wives, families and registrants were either in the main building a couple of miles away or in individual houses scattered around the grounds. A great deal of expensive gasoline was consumed in 1992, but the seminar was a success, drawing 109 registrants.

The DTS, held at The Westin on March 6, 1993, attracted 325 registrants to a program that included psychological factors in selecting a jury, a demonstration of the examination and cross-examination of medical experts, and a talk on medical visuals. Susan S. Samuelson of Boston University spoke on the businesslike approach to law firm management.

The Trial Academy was held again in Oak Brook Hills and drew 38 students.

There was considerable activity on the legislative front in 1992-1993. Activity costs money, and on November 20, 1992, in order to beef up the PAC, it was suggested that each firm contribute one billable hour per lawyer. Although this goal was not met, there was an increase in PAC money. Schade also established a Key Person network under which IDC members who knew certain legislators were identified and motivated to talk with those legislators.

The Product Liability Improvement Act, which included a presumption of non-liability for products or warnings which are in accordance with applicable federal and state law, limited punitive damages, adopted principles of comparative fault, and allowed introduction of collateral source payments, passed the Senate, only to die in the Judiciary Committee of the House. The same fate awaited SB2, a general repeal of the Structural Work Act, and SB 344, which limited recovery for non-economic losses to \$250,000. At the conclusion of his part of the annual report, Dick Hoffman made the very prescient observation, "Tort reform cannot be ruled out."

A line of command was established for the Quarterly. Three subsidiary editors now lined up behind the editor-in-chief and were to move up year by year. Jack Riley's last year as editor-in-chief was to be 1993-94. He had started the magazine format and edited it for a total of four years. In making this change, the Board commended Riley and pointed out that this was "too big a burden" for one person to bear.

There were developments in inter-bar relations. On March 26, 1993, Schade and Dan Formeller reported from the National Conference of Defense Bar Leaders that all state defense bars are having financial squeezes. One problem was the cost of mailing DRI material to judges. It was also reported that companies were claiming that they are spending so much on defense lawyers that costs will exceed premiums by 2020. Schade also tried to establish cooperative efforts with ITLA. One of these was the formation in 1992 of a joint committee to consult with the chief judge of Cook County on common problems.



Lyndon C. Molzahn became president on June 18, 1993. He is a graduate of Duke University and the University of Michigan Law School. He was and remains a partner in Menges Mikus & Molzahn in Chicago.

Molzahn presided at a special meeting on September 10, 1993, at Eagle Ridge. This meeting was solely directed toward bylaw amendments, including cutting the last vestige of the IDC's "automobile lawyer" origins. This was

Illinois Association of Defense Trial Counsel

done by deleting the following language from Article II (Purpose), “to cooperate with programs of public education directed toward highway safety and the reduction of losses and costs resulting from highway and other casualties.” Thus was buried the staple of the defense practice from at least 1925 to 1975, the result of lowered speed limits, increased auto safety standards, and severe penalties for drunken driving.

The Board also formalized the earlier provision that a member is eligible for emeritus membership status if he or she has been a member for not less than 15 years and is retired from the active practice of law. It expanded the *ex officio* members of the Board to include the immediate past chairs of the DTS and the Fall Seminar as well as the current executive editor of the Quarterly and the current chair of the amicus committee and the Trial Academy. It also established an automatic line of succession among the officers and limited the nominating committee to the last five past presidents.

In what appeared to be an innocuous change, an amendment provided that, “All members of the association whose principal office and legal residence are within the State of Illinois are eligible for election to the Board of Directors.” At the time, it was not realized that Robert T. Park, a new director, lived in Iowa. Therefore, the Board was confronted with either making Park a lame duck or changing the bylaws. The bylaws were later changed to provide that, “All members of the association whose principal office is within the State of Illinois are eligible for election to the Board of Directors.” This is now and forever will be known as the “Bob Park Amendment.”

Another highlight of Molzahn’s year was the Thirtieth Anniversary, commemorated by a dinner-dance on Friday, March 4, 1994, at the John G. Shedd Aquarium. This included an opportunity for a private viewing of the new Oceanarium.

The IDC reached a massive milestone during 1993-1994. By the annual meeting on June 17, 1994, the membership had reached 1,000. At the same time, a survey of membership showed that, despite all the efforts to attract younger lawyers, 74.2% of the members had been in practice for ten years or more. Cook County lawyers amounted to 58.2%, with 8.4% from the collar counties of DuPage, Kane, Lake and Will, and 33.4% from “what is called Downstate.”

This was a very active year for seminars. The first Rookie Seminar was held in Chicago on October 16, 1993, and attracted an attendance of 142. The Trial Academy attracted 38 registrants.

The DTS, held for the first and as yet only time at the Fairmont, attracted 340 registrants to a program of closing

argument, multiple defendant cases, motions *in limine* and settlement. The speaker was Daniel R. White, a legal humorist and author of *The Official Lawyer’s Handbook*.

The Fall Seminar returned to Eagle Ridge, now reconstructed and very adequate, if a bit remote. In a prelude to later expansion, it featured the first meetings of IDC committees as such and was highlighted by a dinner at which a troupe of local players put on a murder mystery while the attendees were eating.



It is appropriate to take a break in this chronological survey of the 1990s to look at the tort reform and discovery issues which played out between 1995 and 1998.

The president who presided over this effort was **Daniel R. Formeller**, who took office on June 17, 1994. A former baseball player at the University of Illinois, Formeller graduated from the DePaul University College of Law in 1976. He is a partner in Tressler, Soderstrom, Maloney & Priess in Chicago.

The election of 1994 marked the first time in many years that the Republican Party controlled the governorship and both houses of the General Assembly. This created a unique opportunity for defense interests to remedy the many pro-plaintiff decisions which had been released in the previous 20 years.

As part of this effort, the IDC Board held an all-day meeting on Friday, December 16, 1994, at The Metropolitan Club to consider possible legislation. This led to close cooperation with the Illinois Civil Justice League, which had been formed in December 1992 and had 110 members by 1995, including Amoco, Motorola, Ameritech, Commonwealth Edison, Quaker Oats, and a number of medical and school district organizations. The League was led by Edward D. Murnane, former Midwest regional administrator of the Small Business Administration. It worked for limits on punitive damages, penalties for frivolous lawsuits and product liability reforms by conducting regional seminars and other educational programs.

The leadership of the IDC worked with the League and other business and professional interests to craft what became Public Act 89-7. This act was approved with little debate and signed by the governor on March 9, 1995. It was the most sweeping tort reform in the history of Illinois.

In addition to other provisions, PA 89-7 imposed a \$500,000 cap on compensatory damages for non-economic loss in negligence and products liability cases; essentially eliminated joint and several liability; changed premises liability law so that landowners would have no duty to warn of obvious dangers and would be only liable to a trespasser for willful and wanton misconduct; imposed limits

on the refiling of cases that had been voluntarily dismissed by plaintiffs; limited punitive damages to three times the amount of economic damages; expanded present law to require court approval for seeking punitive damages on *any theory or doctrine*, not only negligence or products liability; required judges to tell juries that a tort recovery is not subject to income tax; forbade judges from telling the jury that a plaintiff who was more than 50% at fault could not recover; required an affidavit in products cases certifying that an expert is of the opinion that there is merit to the case; made several changes in products liability law, including a presumption that the product is not defective; and eliminated the rule in the *Petrillo* case by requiring the plaintiff to execute an authorization to a health care provider to furnish medical information and engage in informal conversations with the opposing party's attorney.

The legislature also repealed the Structural Work Act. This was not part of PA 89-7, and the repeal stood up. As it turned out, this was the only major portion of tort reform to survive.

It immediately became obvious that PA 89-7 would be attacked on constitutional grounds. Therefore, in addition to submitting amicus briefs and working with the attorneys for the parties, the IDC arranged for a series of articles by Professor Martin Redish of the Northwestern University Law School. These were published in the Quarterly and were available as reference works for the attorneys who were defending tort reform. These articles covered the *Petrillo* rule, caps on compensatory damages, joint liability, and product liability.

The entire effort began to slip away on November 20, 1997, when the Supreme Court released *Kunkel v. Walton*, 179 Ill.2d 519, 689 N.E.2d 1047, 228 Ill.Dec. 626 (1997), holding that the effort to revoke *Petrillo* was both a violation of privacy and an impermissible encroachment on the Supreme Court's authority to regulate judicial procedure.

Then, on December 18, 1997, the court struck down the entirety of PA 89-7 in *Best v. Taylor Machine Works*, 179 Ill.2d 367, 689 N.E.2d 1057, 228 Ill.Dec. 636 (1997). The court held in essence that the limit of \$500,000 on compensatory damages was special legislation in that it discriminated against severely injured people and was therefore forbidden by the Illinois Constitution of 1970. In addition, the court found that the removal of joint and several liability in favor of several liability was unconstitutional as were amendments to the contribution act and the setting aside of *Petrillo*. In an opinion which emphasized the immense speed with which the Act was passed, the Supreme Court held that because the provisions of PA 89-7 cannot be severed, it was unconstitutional in its entirety.

The Illinois Civil Justice League was outraged by this

result and began an effort to identify and defeat those judges who oppose business interests.

The second great effort of 1995 concerned discovery. The Supreme Court of Illinois started the ball rolling by considering new discovery rules. The Illinois State Bar Association then made a series of discovery proposals which were very favorable to plaintiffs. These suggestions were contested by the IDC, which opposed a provision which would have required the parties to exchange information and documentation, including the names of witnesses as to damages, within 60 days after the filing of a responsive pleading. It also opposed a burdensome pre-trial conference and case management provision. Neither of these provisions appeared in the final rules, which became effective on January 1, 1996. The IDC also successfully opposed a provision whereby a deponent could submit records or a written report instead of giving a discovery deposition.

The 1994 meeting was the first called the Fall Conference. It featured a Board meeting, committee meetings, a getaway breakfast on Sunday, a fun run, a hospitality room and a hayride. It was also the first fall event to feature breakout sessions. The guest of honor was James Oliphant of Columbus, Ohio, president of DRI.

The DTS moved from the Fairmont to the Nikko, largely because the Fairmont only had one room available. The Friday night dinner featured an explanation by Congressman Henry Hyde of his opposition to term limits. The luncheon speaker was Judge William J. Bauer of the Seventh Circuit Court of Appeals. This was Judge Bauer's second appearance as featured speaker at a DTS.

The DTS drew 357 registrants for a program that included medical evidence, liens, and an explanation of the federal rules. The IDC also updated the registrants on the Tort Reform Act that had just been passed.

The Trial Academy was somewhat a victim of its own success, drawing 42 students in 1994. This so taxed the capacity that it was decided to impose a limit of 36 in the future.

The Rookie Seminar took only two years to raise controversy. It attracted 94 to a session in Chicago and 20 at Belleville. However, one of the speakers made remarks in spoken and written material that demeaned women, thereby reminding people of a legendary joke at the 1985 DTS. This led to a resolution of November 18, 1994, that no material, either oral or written, shall contain any references which offend, embarrass or demean any person on the basis of race, sex, religion, ethnic or national origin or physical and mental disability.

The IDC made an historic move on June 17, 1994, when The John E. Guy Award was instituted in memory of one of its most illustrious pioneers. Jack Riley received

Illinois Association of Defense Trial Counsel

this award, at least in part as a result of his efforts in establishing the Quarterly.



Gordon R. Broom was inaugurated as president in June 1995. He is a graduate of the University of Illinois and of the University of Illinois College of Law. He served as assistant dean of the law school from 1969 to 1971. He is a partner in the Edwardsville firm of Burroughs, Hepler, Broom, McDonald & Hebrank.

One of the developments of 1995-1996 was an increase in amicus activity. The committee named representatives for the five appellate districts and asked that each district representative search slip opinions for possible amicus cases, no longer waiting for requests from the parties.

This reorganization was accompanied by three successes. On October 19, 1995, in *Golla v. General Motors Corporation*, 167 Ill.2d 353, 657 N.E.2d 894, 212 Ill.Dec. 549 (1995), the IDC successfully supported the proposition that there is no “discovery” rule for latent injuries arising out of a sudden traumatic event. Seven days later, on October 26, 1995, the Supreme Court reversed the appellate court in *Varelis v. Northwestern Memorial Hospital*, 167 Ill.2d 449, 657 N.E.2d 997, 212 Ill.Dec. 652 (1995), and held that recovery in a personal injury action precluded a later recovery under the Wrongful Death Act for injuries based on the same occurrence. There was another success in the spring. In *Bucheleres v. Chicago Park District*, 171 Ill.2d 435, 635 N.E.2d 826, 216 Ill.Dec. 658 (1996), the Supreme Court held that landowners have no duty to warn against obvious dangers, such as diving into a natural body of water.

As with all amicus submissions, it is impossible to tell what, if any, effect an IDC brief had on the court. Nevertheless, these three successful results confirmed the worth of the amicus program.

The Fall Conference returned to St. Louis in 1995 for a gala event at the Hyatt at Union Station. This was a three-day extravaganza that started on Thursday with meetings of the executive committee and the Board. It also featured breakout sessions and a dinner at the Gateway Arch with a talk by Charles Jaco, a former CNN and NBC world correspondent. As in 1991, the St. Louis meeting drew heavily from Southern Illinois and produced an attendance of 159, the largest in the history of the of the Fall meetings. This was in large measure the result of extensive publicity dating back to the 1994 Fall Conference.

Meanwhile, the *Quarterly* continued to improve and receive awards. During 1995-1996, it received the Illinois Society of Association Executives’ Award as the “best periodical” for 1994-1995. The annual report for the same year

received an award from the same organization for “best one-time public education/public awareness publication.”

The 1996 Trial Academy had 40 students, four more than its supposed capacity. The big innovation came when the committee retained actors to play witnesses. The Rookie Seminar attracted 88 students in Chicago.

The Defense Tactics Seminar was held at the Westin on March 2, 1996. It was attended by 364 people with 205 attending a dinner the night before where House Speaker Lee Daniels talked following a reception hosted by ISBA Mutual Insurance Company. The program included rehabilitation, the new discovery rules, and handling construction cases after the repeal of the Structural Work Act. The luncheon speaker was Jeff Zaslow, an advice columnist for the Chicago Sun Times. Part of the success of the 1996 DTS resulted from four advertisements that were run in the Chicago Daily Law Bulletin. This included 7,000 brochures.

There were significant developments in membership and organization. The IDC attracted 141 new members during Broom’s year, bringing the total to 1,198.

The increased strength of the organization was shown by the number of people running for the Board. Fourteen ran for five slots in 1996, the largest group that had ever run. Old hands at the IDC noted that it did not seem that long ago that it was surprise to have a contest.

The IDC was pleased in 1996 when Pat Maloney, its 1986-1987 president, was elected president of DRI. Maloney has said that the meetings that he attended on behalf of IDC started him to this presidency.

One of the highlights of the year came very early. It was decided that the first Quarterly of a president’s term should feature a cover picture of the new president. Broom was the first one, and the picture that was used captured his ebullient personality. However, there was a bit of a stunt. In the course of taking Broom’s picture, the photographer got him with his eyes crossed and his tongue sticking out in what could only be described as a goofy pose. This picture was then used for a special cover which was given to Broom. As Broom said later, “I took one look at that and figured that my career as a lawyer was over.” Fortunately, he was soon told that it was a prank.



Clifford P. Mallon became president in June 1996. He was a graduate of DePaul University and the DePaul College of Law. He entered the Army out of law school and began at Allstate Insurance Company in 1963, rising to the position of Managing Attorney for Midwest Region Claims Service Area. As such, he became the first house counsel to serve as president since Bert Thompson left office in 1972.

Mallon had been a member since 1968. He first joined the Board in 1984 and had been a steady contributor to IDC activities. He started in office by saying that he hoped to conclude the Board meetings by 1:30 p.m. He succeeded some of the time.

Mallon's term will be remembered for three of the most memorable meetings in the history of the IDC. It is best to take them chronologically.

The Fall Conference returned to Eagle Ridge in 1996. By this time, it was a four-day meeting beginning with a reception on Thursday and closing with a getaway breakfast on Sunday morning. It is best remembered for a power failure that occurred shortly before the Friday night dinner. Eagle Ridge hooked up an auxiliary generator, and the dinner went on in a deep gloom. There was no music.

The program was excellent. It covered brain damage, the tripartite relationship, and an ethics presentation by Professor Monroe H. Freedman of Hofstra University, who took a remarkably strict view of lawyer misconduct. Unfortunately, attendance fell to 85 and was almost non-existent for the Saturday night barbeque and the getaway breakfast. It was finally decided that Eagle Ridge, as nice as it is, was too far from most of Illinois, and that four days was too much of a time commitment. Therefore, the Board decided to take the seminar back to Lake Geneva for the first time since the one-man band.

The second meeting was the First DRI Convention, which was held in Chicago in October. The IDC acted as host to this event. It also hosted a reception featuring a Lincoln impersonator. The dinner speaker was Hugh Sidey of Time. The IDC organization did everything possible to make this a success for its past president, Pat Maloney.

The third meeting was one of the crown jewels of the IDC. On January 24, 1997, it sponsored a large multi-state insurance symposium, "Who is the Client?", regarding the tripartite relationship. The breakdown of the attendees was a surprise. The committee had expected that two-thirds of the attendees would be IDC members. The reverse developed, with most of the attendees coming from outside the organization. The total attendance was 225. In thanking the committee, Mallon described it as perhaps having been "the best event that we have ever had."

There was a significant change in the bylaws in 1996. The Board was increased to 18, six each for three-year terms. This was the first increase in the history of the organization. The candidates were divided into Cook County and downstate, with no more than four from either of the divisions. This modified the 1982 amendment by insuring that at least two, not one, of the directors came from each area.

The IDC also formed a Diversity in Participation Committee. By this time, 20% of IDC members were women.

This was a large increase from 1986, when less than 5% of the members were women and there were virtually no women in defense firms. This committee was guided by the following resolution that was passed by the Board in August 1996:

It is in the best interest of the IDC and its members to include and encourage diversity in membership, speaking positions, and overall participation in the organization. Through diversity within the IDC, we can pool our collective experiences, knowledge, and points of view to enhance our talents as individual lawyers and our effectiveness as an organization. This diversity includes both gender and ethnic background.

The DTS was held at the Westin on March 1, 1997. The topics were privilege, opinion witnesses, back injury and tenders of defense. Carol Marin of Channel 5 spoke at the dinner on Friday evening. Dr. Jack Hungerford, a psychologist from Evanston, spoke at the luncheon on reducing stress.

The Rookie Seminar continued to draw well in Chicago but the numbers downstate were such that consideration was given to having it outside Chicago every three or four years. The Trial Academy increased its capacity to 50.

At the 1997 annual meeting, Bill Tribler became the second recipient of The John E. Guy Award. Tribler had chaired the 1975 DTS, served as the newsletter editor and amicus chairman and was president in 1984-1985. He spoke briefly, reminiscing about the career and qualities of John Guy.



Anthony J. Tunney became president on June 20, 1997. He is a graduate of the College of St. Thomas and the John Marshall Law School. He is a partner in Price, Tunney, Loughnane, Reiter & Bruton.

Tunney presided over the establishment of a Young Lawyers Division. This was a complete turnaround from the early days, when a lawyer had to have practiced for five years even to apply. The division scheduled and held three receptions in the spring of 1998 and attracted nearly 100 potential members.

The 1997 Fall Conference was held at the Grand Geneva, on the east side of Lake Geneva. It reverted to the original format of Friday noon to Saturday noon, with business meetings on Friday morning, the President's Dinner on Friday night, and no Saturday activities after noon. Attendance improved, and the program was well received. In fact, it featured perhaps its most successful entertainment, a dance featuring the Las Vegas-style Eddie Butts Band.

Illinois Association of Defense Trial Counsel

The DTS was held on March 7, 1998, at the Westin. The program included defending chronic pain cases, the effect of the new Restatement of Products Liability, libel and slander, and discovery of computer-generated communications. Despite an excellent speaker in Justice Robert Thomas of the Second Appellate District, the attendance was disappointing. Even with the success of the Friday dinner, featuring Lester Munson of Sports Illustrated, it was obvious that modifications had to be made.

The Trial Academy and the Rookie Seminar continued to prosper. There were two rookie events, one in Springfield and one in Chicago.

The amicus committee was active, if disappointed, in 1997, when the Supreme Court released *Atkins v. Deere & Co.*, 177 Ill.2d 222, 685 N.E.2d 342, 226 Ill.Dec. 339 (1997). In that case, the IDC unsuccessfully opposed limiting repeal of the Structural Work Act to prospective application. Nevertheless, the odious act was gone.

As indicated earlier, by January 9, 1997, the entire tort reform package of 1995 had been declared unconstitutional. The IDC resolved to keep working toward a "level playing field" and particularly to try to get rid of the *Petrillo* rule.

The IDC home page on the Internet was up and running, although not without problems, and the organization began dealing with problems arising out of the use of bill auditing services by insurance carriers. Particular attention was given to whether the recent ethics opinions holding the practice to be violative of Model Rules 1.6 and 1.8 were correct. That question will have to be answered in the next IDC history.



Douglas J. Pomatto became the 34th president of the IDC on June 12, 1998, at the Metropolitan Club. A former college basketball player, Pomatto graduated from Bradley University in 1974 and the Cumberland School of Law of Samford University in 1977. He joined Heyl, Royster, Voelker & Allen in 1977 and started its Rockford office in 1985. He was the first president from Rockford and the third from the Heyl firm.

Pomatto inherited an organization which was strong financially with 1276 members, 185 of them new in 1997-1998. Although it is far from over, Pomatto has had a memorable year. IDC and DRI held a joint reception in August to promote membership in large firms. The Diversity in Participation Committee held a successful seminar on business development in February. The amicus committee participated in a successful appeal in *Cripe v. Leiter*, 184 Ill.2d 185, 703 N.E.2d 100, 234 Ill.Dec. 488 (1998), in which the Supreme Court held that the Fraud and Deceptive

Practices Act does not apply to a claim that an attorney charged excessive fees.

The 19th Fall Conference was held at the Grand Geneva in 1998. It featured attorney liability for settlements, sexual harassment, and telemedicine. Although there was no evening speaker as such, a highlight on Saturday was an extensive history of the relationship between retained attorneys and insurance carriers by Robert E. Scott, Jr. of Baltimore, Maryland, president of DRI. His remarks gave historic perspective to current discussions.

The 1999 DTS is scheduled for the Midland Hotel following a 35th anniversary dinner on March 12, 1999, at the Field Museum. The registration fee has been reduced, and the luncheon has been eliminated so as to end earlier in the afternoon.

Conclusion

So that is it for the first 35 years. The history of the IDC is like a stock chart with ups and downs in a generally upward direction. Finances always have been and always will be critical. The dilemma is that it costs money to do things. If you do nothing, you will have a lot of money, but you will accomplish nothing. The goal of the organization has always been to give the members as much value as possible for their money.

As Royce Rowe said in his letter to the registrants at the 1966 DTS, the IDC "was stimulated into existence because of the imbalance created by the successful efforts of the plaintiff's attorneys to obtain higher verdicts." The IDC has tried over the years to reduce that imbalance. We like to think that it has done so.

APPENDIX

This portion will attempt to recognize those who have served in various capacities in the Illinois Association of Defense Trial Counsel. The author has made an extensive effort to get this right, and he apologizes to anyone who was omitted. All he can say is that some of the records, especially the early ones, are quite confusing.

PRESIDENTS AND THEIR YEARS

Royce Glenn Rowe	1965-1966
James Baylor	1966-1967
Jack E. Horsley	1967-1968
John J. Schmidt	1968-1969
Thomas F. Bridgman	1969-1970
*William J. Voelker, Jr.	1970-1971
Bert M. Thompson	1971-1972
John F. Skeffington	1972-1973
John G. Langhenry, Jr.	1973-1974
*Lee W. Ensel	1974-1975
L. Bow Pritchett	1975-1976
John F. White	1976-1977
R. Lawrence Storms	1977-1978
John P. Ewart	1978-1979
*Richard C. Valentine	1979-1980
Richard H. Hoffman	1980-1981
*Ellis E. Fuqua	1981-1982
*John E. Guy	1982-1983
Leo M. Tarpey	1983-1984
Willis R. Tribler	1984-1985
Alfred B. LaBarre	1985-1986
Patrick E. Maloney	1986-1987
Robert V. Dewey, Jr.	1987-1988
Lawrence R. Smith	1988-1989
R. Michael Henderson	1989-1990
Paul L. Price	1990-1991
Stephen L. Corn	1991-1992
Rudolf G. Schade, Jr.	1992-1993
Lyndon C. Molzahn	1993-1994
Daniel R. Formeller	1994-1995
Gordon R. Broom	1995-1996
Clifford P. Mallon	1996-1997
Anthony J. Tunney	1997-1998
Douglas J. Pomatto	1998-1999

*Deceased

OFFICERS AND DIRECTORS

1965-66

President: Royce Glenn Rowe
 Vice-Presidents: Henry J. Marquard,
 Vincent B. Vaccarello, Tom L. Yates
 Secretary-Treasurer: James Baylor
 Directors: Francis D. Conner, Albert F. Manion,
 Stephen A. Milwid, John M. Moelmann,
 Francis D. Morrissey, Alfred F. Newkirk,
 Robert O. Rooney, John J. Schmidt,
 Irving G. Swenson, Bert M. Thompson

1966-67

President: James Baylor
 Vice-Presidents: Oliver W. Gregory,
 Jack E. Horsley, John J. Schmidt
 Secretary-Treasurer: Vincent B. Vaccarello
 Directors: John R. Caffrey, Alfred Y. Kirkland,
 Henry J. Marquard, Francis D. Morrissey,
 Alvin E. Rosenbloom, Royce Glenn Rowe,
 Irving G. Swenson, Bert M. Thompson,
 William J. Voelker, Jr., Tom L. Yates

1967-68

President: Jack E. Horsley
 Vice-Presidents: Herbert L. Caplan, John J. Schmidt
 Secretary-Treasurer: William P. Casey
 Directors: James Baylor, Oliver W. Gregory,
 Alfred Y. Kirkland, Richard E. Mueller,
 Neil K. Quinn, Alvin E. Rosenbloom,
 Royce Glenn Rowe, John F. Skeffington,
 Irving G. Swenson, William J. Voelker, Jr.,
 Tom L. Yates

1968-69

President: John J. Schmidt
 Vice-Presidents: Herbert L. Caplan,
 John F. Skeffington, William J. Voelker, Jr.
 Secretary: James Baylor
 Treasurer: William P. Casey
 Directors: Thomas F. Bridgman, Jack E. Horsley,
 Alfred Y. Kirkland, Joseph T. Lavorci, George S. Miller,
 Richard E. Mueller, Neil K. Quinn,
 Royce Glenn Rowe, Gus Svolos

Illinois Association of Defense Trial Counsel

1969-70

President: Thomas F. Bridgman

President-Elect: William J. Voelker, Jr.,

Vice-Presidents: Richard E. Mueller,
John F. Skeffington

Secretary-Treasurer: George S. Miller

Directors: William P. Casey, Lee W. Ensel,
John G. Langhenry, Jr., Joseph T. Lavorci,
Neil K. Quinn, Donald M. Reno, Alvin E. Rosenbloom,
Royce Glenn Rowe, John J. Schmidt, John F. White

1970-71

President: William J. Voelker, Jr.

President-Elect: Bert M. Thompson

Vice-Presidents: John F. Skeffington, Richard E. Mueller

Secretary-Treasurer: John G. Langhenry, Jr.,

Directors: Matthew N. Chacones,
Lee W. Ensel, James W. Kissel, George S. Miller,
Neil K. Quinn, Donald M. Reno, Alvin E. Rosenbloom,
Royce Glenn Rowe, John J. Schmidt.

1971-72

President: Bert M. Thompson

President-Elect: John F. Skeffington

Vice-Presidents: Richard E. Mueller, Donald M. Reno

Secretary-Treasurer: John G. Langhenry, Jr.

Directors: Lee W. Ensel, John P. Ewart,
Tim J. Harrington, James W. Kissel, George S. Miller,
John C. Palmer, Jr., L. Bow Pritchett, Neil K. Quinn,
Alvin E. Rosenbloom, Royce Glenn Rowe, R. Lawrence Storms

1972-73

President: John F. Skeffington

President-Elect: John G. Langhenry, Jr.

Vice-President: Donald M. Reno

Vice-President and
Executive Director L. Bow Pritchett

Secretary-Treasurer Neil K. Quinn

Directors: Robert J. Banks, Jr., Herbert L. Caplan,
Lee W. Ensel, John P. Ewart, John E. Guy,
Tim J. Harrington, James W. Kissel, George S. Miller,
Richard E. Mueller, John C. Palmer, Jr.,
R. Lawrence Storms, John F. White

1973-74

President: John G. Langhenry, Jr.

President-Elect: Lee W. Ensel

Vice-Presidents: L. Bow Pritchett, Donald M. Reno

Secretary-Treasurer Neil K. Quinn

Directors: Robert J. Banks, Jr., John P. Ewart,
John E. Guy, Tim J. Harrington, Richard H. Hoffman,
George S. Miller, John C. Palmer, Jr., Royce Glenn Rowe,
John F. Skeffington, R. Lawrence Storms,
Richard C. Valentine, John F. White

1974-75

President: Lee W. Ensel

President-Elect: L. Bow Pritchett

Vice-Presidents: Donald M. Reno, John F. White

Secretary-Treasurer Neil K. Quinn

Directors: Robert J. Banks, Jr., John T. Burke,
John P. Ewart, John E. Guy, Tim J. Harrington,
Richard H. Hoffman, John G. Langhenry, Jr.,
Royce Glenn Rowe, R. Lawrence Storms,
Thomas F. Tobin, Richard C. Valentine.

1975-76

President: L. Bow Pritchett

President-Elect: John F. White

Vice-Presidents: R. Lawrence Storms, Donald M. Reno

Secretary-Treasurer: Neil K. Quinn

Directors: John T. Burke, John P. Ewart,
John E. Guy, Tim J. Harrington, Richard H. Hoffman,
John G. Langhenry, Jr., Carl W. Lee, Patrick J. Navin,
Don M. Reno, Thomas F. Tobin, Richard C. Valentine

1976-77

President: John F. White

President-Elect: R. Lawrence Storms

Vice-Presidents: John P. Ewart, Richard C. Valentine

Secretary-Treasurer: Richard H. Hoffman

Directors: John T. Burke, Ellis E. Fuqua,
John E. Guy, Tim J. Harrington, Alfred B. LaBarre,
Carl W. Lee, Patrick J. Navin, Rudolf G. Schade, Jr.,
Thomas F. Tobin, Willis R. Tribler

1977-78

President: R. Lawrence Storms
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Vice-Presidents: Ellis E. Fuqua, Richard C. Valentine
Secretary-Treasurer Richard H. Hoffman
Directors: John T. Burke, John W. Dondanville,
John E. Guy, Tim J. Harrington, Alfred B. LaBarre,
Carl W. Lee, Patrick J. Navin, Rudolf G. Schade, Jr.,
Leo M. Tarpey, Willis R. Tribler

1978-79

President: John P. Ewart
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Secretary-Treasurer Willis R. Tribler
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Rudolph G. Schade, Jr., Leo M. Tarpey

1979-80

President: Richard C. Valentine
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Rudolf G. Schade, Jr., Willis R. Tribler

1981-82

President: Ellis E. Fuqua
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R. Michael Henderson, William O. Martin, Jr.,
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Kevin R. Sido, Lawrence R. Smith

1983-84

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Paul L. Price, David R. Quade, Rudolf G. Schade, Jr.,
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Illinois Association of Defense Trial Counsel

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Lyndon C. Molzahn, Robert W. Neiryneck, Paul L. Price,
Rudolf G. Schade, Jr., Edward J. Zulkey

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Ole Bly Pace, III, Victor J. Piekarski, Douglas J. Pomatto,
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Kevin R. Sido, Anthony J. Tunney

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Robert L. Kiesler, Andrew Kopon, Jr., Clifford P. Mallon,
Matthew Morrissey, Robert W. Neiryneck, Ole Bly Pace III,
Victor J. Piekarski, Douglas J. Pomatto, Gregory C. Ray,
Jack T. Riley, Jr. Kevin R. Sido, Anthony J. Tunney

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Peter W. Brandt, Gary W. Fresen, Richard F. Johnson,
Robert L. Kiesler, J. Dennis Marek, Robert W. Neiryneck,
Ole Bly Pace, III, Victor Piekarski, Douglas J. Pomatto,
Gregory C. Ray, Jack T. Riley, Jr., Kevin R. Sido, Frances
J. Skinner-Lewis, Anthony J. Tunney

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Richard F. Johnson, Robert L. Kiesler, Patrick F. Lustig,
J. Dennis Marek, Robert W. Neiryneck, Robert T. Park,
Victor J. Piekarski, Douglas J. Pomatto, Gregory C. Ray,
Jack T. Riley, Jr., Kevin R. Sido

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2nd Vice-president: Anthony J. Tunney
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Patrick F. Lustig, J. Dennis Marek, John L. Morel, Robert
Park, Gregory C. Ray, Jack T. Riley, Jr.

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John L. Morel, Robert T. Park, Steven M. Puiszis,
Gregory C. Ray

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1997-98

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Jennifer Jerit Johnson, Patrick F. Lustig, J. Dennis Marek,
John L. Morel, Robert Park, Donald G. Peterson,
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President: Douglas J. Pomatto
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Patrick F. Lustig, J. Dennis Marek, John L. Morel,
Joseph J. O'Hara, Jr., Robert Park, Donald G. Peterson,
Steven M. Puiszis, Dale L. Schlafer, Francis A. Spina

Illinois Association of Defense Trial Counsel

DEFENSE TACTICS SEMINAR COMMITTEES

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Vice-Chairmen: James Baylor and Edgar C. Williams

Treasurer: Bert M. Thompson

1966

Chairman: Royce Glenn Rowe

James Baylor, John J. Schmidt, Bert M. Thompson,

Tom L. Yates, Arent J. Jacobson, Alvin E. Rosenbloom

1967

Chairman: Bert M. Thompson

James Baylor, Alvin E. Rosenbloom, John J. Schmidt,

Vincent B. Vaccarello, Lyle W. Allen, Thomas W. Dempsey,

Gus Svolos, John F. White

1968

Chairman: Gus Svolos

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Harry J. O'Kane, Royce Glenn Rowe, Bert M. Thompson

1969

Chairman: John F. White

Gus Svolos, Arent J. Jacobson, Thomas F. Bridgman,

Richard N. Molchan, John G. Poust, Patrick J. Navin,

Anton J. Valukas

1970

Co-Chairmen: Arent J. Jacobson and Anton J. Valukas

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Jr., Neil K. Quinn, Alvin E. Rosenbloom, Royce Glenn Rowe,

John J. Treacy, John F. White

1971

Chairman: L. Bow Pritchett, Jr.

Herbert L. Caplan, Arent J. Jacobson, Neil K. Quinn,

Royce Glenn Rowe, Bert M. Thompson, Anton J. Valukas

1972

Co-Chairmen: L. Bow Pritchett, Jr. and Herbert L. Caplan

Mel E. C. Perretti, Donald M. Reno, Royce Glenn Rowe,

R. Lawrence Storms, Bert M. Thompson

1973

Co-Chairmen: L. Bow Pritchett, Jr. and Mel E. C. Perretti

Herbert L. Caplan, Matthew N. Chaconas, Donald J. Duffy,

John E. Guy, Donald M. Reno, R. Lawrence Storms

1974

Co-Chairmen: Mel E. C. Perretti and Willis R. Tribler

John E. Guy, Richard H. Hoffman, John G. Langhenry, Jr.,

L. Bow Pritchett, Jr., Richard C. Valentine

1975

Co-Chairmen: Willis R. Tribler and Rudolf G. Schade, Jr.

Paul C. Blume, John W. Dondanville, John E. Guy,

Richard H. Hoffman, Patrick E. Maloney, Mel E. C. Perretti,

Francis P. Smith, Richard C. Valentine

1976

Co-Chairmen: Rudolf G. Schade, Jr. and John W. Dondanville

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Patrick E. Maloney, Mel E. C. Perretti, Francis P. Smith,

Willis R. Tribler, Richard C. Valentine

1977

Co-Chairmen: John W. Dondanville and Patrick E. Maloney

Paul C. Blume, John E. Guy, Thomas M. Hamilton, Jr.,

Michael Merlo, Rudolf G. Schade, Jr., Lawrence R. Smith,

Willis R. Tribler, Richard C. Valentine

1978

Co-Chairmen: Patrick E. Maloney and Thomas M. Hamilton, Jr.

John E. Guy, Lyndon C. Molzahn, Michael K. Murtaugh,

Rudolf G. Schade, Jr. Lawrence R. Smith, Willis R. Tribler,

Richard C. Valentine

1979

Co-Chairmen: Thomas M. Hamilton, Jr., and Lawrence R. Smith

Don W. Fowler, John E. Guy, Lyndon C. Molzahn,

Patrick E. Maloney, Michael K. Murtaugh, Rudolf G. Schade,

Jr., Kevin R. Sido, Willis R. Tribler, Richard C. Valentine

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Co-Chairmen: Lawrence R. Smith and Lyndon C. Molzahn

James P. Dorr, Don W. Fowler, John E. Guy,

Thomas M. Hamilton, Jr., William V. Johnson, Patrick E. Maloney,

Lyndon C. Molzahn, Victor J. Piekarski, Paul L. Price,

Rudolf G. Schade, Jr., Kevin R. Sido, Willis R. Tribler,

Edward J. Zulkey

1981

Co-Chairmen: Lyndon C. Molzahn and Kevin R. Sido

James Christman, Daniel R. Formeller, Don W. Fowler

John E. Guy, William V. Johnson, John J. Lynch,

Victor J. Piekarski, Paul L. Price, Rudolf G. Schade, Jr.

Lawrence R. Smith, Richard C. Valentine, Edward J. Zulkey

1982

Co-Chairmen: Kevin R. Sido and Paul L. Price

Charles H. Cole, Brian C. Fetzer, Daniel R. Formeller,

Don W. Fowler, John E. Guy, John J. Lynch, Lyndon C. Molzahn,

Victor J. Piekarski, Rudolf G. Schade, Jr., Lawrence R. Smith,

Anthony J. Tunney, Edward J. Zulkey

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Co-Chairmen: Paul L. Price and John J. Lynch

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Daniel R. Formeller, Fredrick J. Fraterrigo, Richard F. Johnson,

Victor J. Piekarski, A. Jeffrey Seidman, Kevin R. Sido,

Anthony J. Tunney

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Co-Chairmen: John J. Lynch and Victor J. Piekarski

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Charles H. Cole, Daniel R. Formeller, Fredrick J. Fraterrigo,

Richard F. Johnson, Thomas W. Murphy, A. Jeffrey Seidman,

Anthony J. Tunney

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Chairman: Victor J. Piekarski
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Vice-Chair: Glen E. Amundsen
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Vice-Chair: Andrew Kopon, Jr.
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Chair: Andrew Kopon, Jr.
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1992

Chair: Frances J. Skinner-Lewis
Vice-Chair: Patrick F. Lustig
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1983

Co-Chairmen: Alfred B. LaBarre and Brian C. Fetzer

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Chairman: Brian C. Fetzer
Vice-Chairman: William O. Martin, Jr.
Robert V. Dewey, Jr., Lyndon C. Molzahn, Kevin R. Sido

1985

Chairman: William O. Martin, Jr.
Co-Chairman: Clifford P. Mallon
William G. Beatty, Robert L. Kiesler, Peter S. Switzer

1986

Chairman: Clifford P. Mallon
Vice-Chairman: Douglas J. Pomatto

1987

Chairman: Douglas J. Pomatto
Vice-Chairman: Mitchell A. Orpett

1988

Chairman: Mitchell A. Orpett
Vice-Chairman: Gary D. Nelson
James R. Ensign, Jack T. Riley, Jr., James E. Neville,
Richard M. Waris.

1989

Chairman: Gary D. Nelson
Vice-Chairman: Richard M. Waris
Matthew J. Morrissey, James E. Neville, Richard VanEvera

1990

Chairman: Richard M. Waris
Co-Chairman: Matthew J. Morrissey

1991

Chairman: Matthew J. Morrissey
Co-Chairman: Gregory C. Ray
Jeffrey S. Hebrank, Richard M. Waris, William G. Beatty,
Edward B. Ruff, III

1992

Chair: Gregory C. Ray
Vice-Chair: John A. Guzzardo
Steven M. Puiszis, William G. Beatty, Jeffrey S. Hebrank,
Matthew J. Morrissey

1993

Chair: John A. Guzzardo
Co-Chair: William G. Beatty
Jeffrey S. Hebrank, Steven M. Puiszis, Jerome E. McDonald,
Gregory C. Ray

1994

Co-Chairs: William G. Beatty and Jeffrey S. Hebrank
Steven M. Puiszis, Edward B. Ruff, III, Kenneth F. Werts,
Kevin Luther, John A. Guzzardo

1995

Chair: Jeffrey S. Hebrank
Co-Chair: Steven M. Puiszis
Kevin G. Owens, Kenneth F. Werts, James DeFranco,
Edward B. Ruff, III, Joseph J. O'Hara, Jr., Kevin J. Luther

1996

Chair: Steven M. Puiszis
Vice-Chair: Edward B. Ruff III
James DeFranco, Kevin J. Luther, Joseph J. O'Hara, Jr.,
Kevin G. Owens, Kenneth F. Werts, Eugene P. Daugherty,
Daniel J. O'Connell, Anne M. Oldenburg

1997

Chair: Edward B. Ruff, III
Co-Chair: Kevin J. Luther
Eugene P. Daugherty, James DeFranco, Michael J. Fusz,
John P. Lynch, Renee Mortimer, Joseph J. O'Hara, Jr.,
Daniel J. O'Connell, Anne M. Oldenburg, Kevin G. Owens,
Kenneth F. Werts

1998

Chair: Kevin J. Luther
Co-Chair: Kevin G. Owens
Daniel J. Cray, Eugene P. Daugherty, James DeFranco,
Michael J. Fusz, John P. Lynch, Jr., Renee J. Mortimer,
Daniel J. O'Connell, Joseph J. O'Hara, Jr., Anne M. Oldenburg,
Kenneth F. Werts

TRIAL ACADEMY COMMITTEES

1989

Chair: Daniel R. Formeller
Kevin R. Sido, Richard L. Berdelle, Jr., John J. Lynch,
Douglas J. Pomatto, Donald G. Peterson, Maximilian M. Prusak,
Anthony J. Tunney

1990

Chair: Daniel R. Formeller
Maximilian M. Prusak, Fred B. Moore, Douglas J. Pomatto,
Anthony J. Tunney

1991

Chair: Daniel R. Formeller
Jennifer Jerit Johnson, Maximilian M. Prusak, Fred B. Moore,
Douglas J. Pomatto, Anthony J. Tunney

1992

Chair: Daniel R. Formeller
Anthony J. Tunney, Douglas J. Pomatto, Jennifer Jerit Johnson,
Maximilian M. Prusak, Fred B. Moore

1993

Co-Chairs: Anthony J. Tunney, Douglas J. Pomatto,
Jennifer Jerit Johnson, Fred B. Moore, Maximilian J. Prusak

1994

Co-Chairs: Anthony J. Tunney, Douglas J. Pomatto
Mary Beth Deneffe, Maureen Coleman, Jennifer Jerit Johnson,
Fred B. Moore, Maximilian J. Prusak

1995

Co-Chairs: Douglas J. Pomatto, Jennifer Jerit Johnson
Maureen Coleman, Mary Beth Deneffe, Fred B. Moore,
Maximilian J. Prusak

1996

Chair: Jennifer Jerit Johnson
Co-Chair: Maximilian J. Prusak
Fred B. Moore, Mary Beth Deneffe, Maureen Coleman,
Brian Fetzer, Scott D. Bjorseth, Kathryn James Anderlik

1997

Chair: Jennifer Jerit Johnson
Co-Chair: Fred B. Moore
Kathryn James Anderlik, Scott D. Bjorseth, Maureen Coleman,
Greg Cerulo, Mary Beth Deneffe, Robert Johnson,
Maximilian J. Prusak

1998

Chair: Fred B. Moore
Co-Chair: Mary Beth Deneffe
Kathryn James Anderlik, Scott D. Bjorseth, Greg Cerulo,
Maureen A. Coleman, Robert Johnson, Maximilian M. Prusak

1999

Chair: Mary Beth Deneffe
Co-Chair: Maureen Coleman
Fred B. Moore, Kathryn James Anderlik, Scott D. Bjorseth,
Greg Cerulo, Douglas C. Crone, Maximilian J. Prusak

ROOKIE SEMINAR COMMITTEES

1993

Co-Chairs: Shaun M. Baldwin, Michael J. Hennig

1994

Co-Chairs: Shaun M. Baldwin, Michael J. Hennig

1995

Chairs: Michael J. Hennig, Robert W. Neiryneck, James E. Neville
Co-Chairs: Richard E. Nugent, John L. Morel, Timothy S. Richards

1996

Co-Chairs: Richard E. Nugent, Timothy Hoffman

1997

Chairs: R. Mark Mifflin, Richard E. Nugent
Co-Chairs: Timothy Hoffman, Jeffrey S. Hebrank

1998

Chair: Timothy Hoffman, R. Mark Mifflin
Co:Chairs: Amy Jo Hemingsen, Paul Johnson

AMICUS CHAIRS

There was no amicus committee as such until the mid-1970s. The concensus seems to be that John Guy's term began in 1972 with the *Rosewood* opinion. We will use that as a reference.

1968-1970	John F. Skeffington
1970-1971	John Gobel
1972-1986	John E. Guy
1986-1989	Willis R. Tribler
1989-1992	Shaun McParland Baldwin
1992-1994	Robert Marc Chemers
1994-1995	Nancy J. Arnold
1995-1996	Karen L. Kendall
1996-1999	Robert W. Neiryneck

LEGISLATIVE CHAIRS

This is again the subject of confusion. Different people had different titles in different years. This is an attempt to identify the person in charge.

1965-1967	Tom L. Yates
1967-1968	William J. Voelker, Jr., James Baylor
1968-1969	William J. Voelker, Jr. Royce Glenn Rowe
1969-1981	Lee W. Ensel
1981-1999	Richard H. Hoffman

NEWSLETTER EDITORS

1965-1966	Herbert L. Caplan
1981-1982	Willis R. Tribler
1982-1984	Lawrence R. Smith
1984-1986	Kevin R. Sido
1986-1989	Lyndon C. Molzahn
1989-1990	Jack T. Riley, Jr.

QUARTERLY EDITORS

1991-1994	Jack T. Riley, Jr.
1994-1995	Stephen J. Heine
1995-1996	Francis A. Spina
1996-1997	Peter W. Brandt
1997-1998	Gregory C. Ray
1998-1999	Charles F. Redden

