

**International Society  
of  
Barristers**

**Volume 49**

**Number 1**

**FIFTIETH ANNIVERSARY ISSUE**

**FIFTY YEARS OF THE ISOB: FOREWORD**  
*James Bartimus*

**PRESIDENTIAL REFLECTIONS**

**FIFTY YEARS . . . AND COUNTING**

**Quarterly**



### **Annual Meetings**

2016: April 10–16, Grand Del Mar,  
San Diego, California

2017: March 19–25, Ritz Carlton,  
Cancun, Mexico



# International Society of Barristers Quarterly

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Volume 49

2015

Number 1

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# International Society of Barristers Quarterly

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Volume 49  
Issue Number 1  
2015

The INTERNATIONAL SOCIETY OF BARRISTERS QUARTERLY (USPS 0074-970) (ISSN 0020-8752) is published quarterly by the International Society of Barristers, Duke University School of Law, Box 90360, Durham, NC 27708-0360. Periodicals postage is paid in Durham and additional mailing offices. Subscription rate: \$10 per year. Back issues and volumes through Volume 44 available from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, NY 14209-1911; subsequent back issues and volumes available from Joe Christensen, Inc., 1540 Adams Street, Lincoln, NE 68521. All issues are available through [www.heinonlin.org](http://www.heinonlin.org). POSTMASTER: Please send address changes to Professor Donald H. Beskind, Duke University School of Law, Box 90360, Durham, NC 27708-0360.

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# International Society of Barristers

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Stan Siegel, Aberdeen, South Dakota (1928–1996)	1980
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Joel M. Boyden, Grand Rapids, Michigan (1937–1999)	1986
William T. Egan, Minneapolis, Minnesota (1925–2012)	1987
Carleton R. Hoy, Sioux Falls, South Dakota	1988
Mark P. Robinson, Los Angeles, California (1924–2001)	1989
Perry S. Bechtle, Philadelphia, Pennsylvania (1926–2010)	1990
William J. McDaniel, Birmingham, Alabama (1927–2003)	1991
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Joe McLeod, Fayetteville, North Carolina	2001
Gene Mac Winburn, Athens, Georgia (1937–2006)	2002
Daniel J. Kelly, San Francisco, California	2003
John D. Liber, Cleveland, Ohio (1938–2013)	2004
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## FIFTY YEARS OF THE ISOB—FOREWORD

James Bartimus, President

“Special.” This volume of the Barristers *Quarterly* is special for a number of reasons:

- The authors are special—seventeen past presidents, each of whom brings to our mind’s eye some of the rich history of his or her year as President;
- Through the efforts of our guest editors—former Administrative Secretary and Editor John Reed and past President Mike Kelly—we have captured on paper events, large and small, that embrace us with the collegiality and passion of Barrister history spanning five decades;
- Under the leadership of Administrative Secretary and Editor Donald Beskind, his staff labored to insure the timely completion of this special edition of the *Quarterly* so that we might enjoy it at the 50<sup>th</sup> year Convention;
- This special edition of the *Quarterly* speaks to all of us in the Barrister family not about what we are but about who we are as a Society; and
- Finally, it is special because it is Golden—we celebrate fifty years since four men met together in 1965 and formed our great organization.

Five special reasons—a number in symbolic parallel with the five simple principles of the Society’s “Conventions of the Convention.” I know you will enjoy reading our story.

\* \* \*

**I**  
**PRESIDENTIAL REFLECTIONS**

*Recollections by Barristers presidents of the past thirty years, printed in the following pages, provide glimpses, both serious and light-hearted, into the rich fellowship known as the International Society of Barristers. Similar musings of the presidents of the Society's first twenty years were published in 20 INTERNATIONAL SOCIETY OF BARRISTERS QUARTERLY 382-423 (1985) and are well worth rereading for comparisons.*

*The presidents' submissions are in response to an invitation from the guest editors, and they are published here in the formats in which they were received: essays, lists, poems, letters.*

\* \* \*

**M. J. (JIM) BRUCKNER\***

**LINCOLN, NEBRASKA  
PRESIDENT 1984**

....

In the fall of 1974 I received a letter from the Society advising me that I had been admitted to membership. I had just turned forty and was deeply honored. I suspect that my benefactor was Charles Hvass Sr., of Minneapolis, Minnesota. Charlie had been president of the Barristers in 1971.

My first meeting was at the Cerromar Beach Hotel in Puerto Rico in early January 1975. It was also John Reed's first meeting. He was a speaker. The registration and hotel arrangements were made with the Administrative Director, Jim Carrigan, who was a practicing lawyer in Boulder, Colorado. I never received a program, and one was not available when my wife and I checked in at the hotel, so we had to wing it. Consequently, I missed some of the morning programs. There was no formal induction ceremony, so I never met the president. However, through golf and various social activities we began to meet some of the members and their wives. They were extremely gracious and friendly. Some became lifelong friends. Everyone seemed to be having a good time. By the end of the week we were making plans to attend the 1976 meeting at the Mauna Kea Beach Hotel in Hawaii. On the last night, during the banquet, Wendell Pendelton of Storm Lake, Iowa, solicited \$50 each from various members for a crap shoot at the hotel casino. He selected Charlie Hvass and me to do the shooting. I don't think any of the donors expected to see their \$50 again. Charlie and I got hot. About halfway

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\* Mr. Bruckner was president of the Society in its nineteenth year, and a presidential essay by him was published in volume 20 of the *Quarterly*, along with those of other presidents of the first twenty years. A selection of more-recent observations, excerpted from his lengthy unpublished historical essay, "The Evolution of the International Society of Barristers," is included here in this collection of reminiscences of his successors of the last three decades.

through, Wendell said, “It’s time to pay a dividend.” We ignored him and kept shooting. Eventually, we tripled the investments. It is one of the many fond memories I still have of that meeting. The members were special. The prohibition against talking about your cases was comforting.

When I arrived at my desk in frozen Nebraska on the Monday following the meeting I had a letter waiting for me from the International Academy of Trial Lawyers advising me that I had been admitted to the Academy. The next meeting was scheduled in early March at the St. Regis Hotel in New York City, where I would be formally inducted. I was amazed. In addition to being a great honor, it presented me with the opportunity to compare these two outstanding honorary societies. As I learned in the *Philosophy of Being*, we know only by comparison.

The meeting of the Academy was shorter. We arrived on Thursday. On Friday, there was a short presentation by a lawyer from New York, followed by a speech by the Dean of the Academy. That was the program. On Saturday night at a black-tie dinner, we were inducted by the president, who made personal comments about each of us. The Fellows at the Academy meeting seemed older and more reserved. There was not much opportunity for collegiality. There was no prohibition against talking about your cases.

What did I learn from my comparison? As members of the Barristers we come together once a year for a week at a five-star resort where we are presented with excellent programs, organized sporting activities including golf, tennis, and horseback riding, numerous opportunities for social intercourse, and a group of outstanding trial lawyers from both sides of the counsel table who never talk about their cases—just have fun. That is what the founders envisioned.

I attended every annual meeting except one from 1975 to 2006, and all summer board meetings except two from 1977 to 2005. Since 2005 my attendance has become more sporadic.

During the first twenty-five years we encountered various



structural problems within the Society. Following is a discussion of three of those problems, and what we did to rectify them.

#### *Convention Dates and Management*

My first three annual meetings in Puerto Rico, Hawaii, and Palm Springs, California, were all held in the first two weeks of January, and the next meeting was scheduled for the same time in Boca Raton, Florida. During the first two weeks of January, there were weather problems at each of those locations except on the west coast of the Island of Hawaii where the Mauna Kea Beach Hotel was located. In Puerto Rico the golf course was very wet. In Palm Springs the evenings were chilly, and while we were there we received reports of heavy rains in Boca Raton, Florida, our next meeting site. Near the end of the meeting in Palm Springs, in 1977, Doug Hillman, the newly elected president, appointed Tex Hoy and me to conduct a study of future convention sites.

At that time the most successful travel agency in Lincoln, Nebraska, where I practiced, was Lincoln Tour & Travel. Bill Carley was the manager. He had also been the foreman of the jury in a major case that I had tried a year or so earlier, so I called him for advice. I provided him with our specifications: smaller four- or five-star resorts, in the United States and the Caribbean that had good golf, good tennis, and good weather. He provided me with a professional manual that answered most of my concerns. He answered the rest.

What was immediately obvious was that there were no venues in the United States or the Caribbean that could guarantee good weather before the middle of March, and later, if you chose a location above the Florida frost line. My report included this information, plus the description of several interesting resorts in the Caribbean, Florida, and Arizona. The requirement of good golf and tennis was a limiting factor. The proliferation of excellent resorts in Arizona and Southern California was just beginning, so the choices there were limited.

When I did the research, it became obvious that the Mauna Kea Beach Hotel had been driving the Barristers' annual meeting schedule. It was a very popular destination with our members, especially those residing in the upper Midwest, because it was the best resort hotel in Hawaii at that time, and, it had a beautiful beach, excellent golf and tennis, and the annual rainfall was about two inches. But it would not take large groups or conventions after the second week of January. The Barristers met there every third year during the second week of January. The meetings in California, Florida, and the Caribbean were scheduled at the same time in January. We recommended that the meetings on the mainland and in the Caribbean be scheduled after March 15<sup>th</sup>. It was approved. Ultimately, the proliferation of new five-star hotels in Hawaii made the Mauna Kea rules irrelevant.

We also recommended that the Society engage a responsible travel agency to conduct negotiations with prospective hotels and handle all travel arrangements for our members and guests. There were also problems in that area. No action was taken on that recommendation at that time. The meetings for Boca Raton and Mauna Kea had already been booked. Alex Newton elected to use Bill Carley and Lincoln Tour and Travel for his meeting on the island of St. Maarten in 1980. Eventually, Lincoln Tour & Travel and their successor, Travel & Transport, became the full-time travel agency for the Society. With their professional assistance, travel and hotel arrangements have been improved, immeasurably.

#### *Administrative Secretary Succession*

At Stan Siegel's summer Board meeting in Colorado Springs in 1980, Doug Bragg, who had been serving as administrative secretary since his partner Jim Carrigan had been appointed to the Colorado Supreme Court in 1976, announced that, because of the pressures of his practice, he was resigning. Siegel seemed surprised, because he said, "Who will we get?" I had heard John Reed speak to the Barristers on three different occasions. His association with the trial

bar was legendary, and he had been serving as editor of the *Quarterly* since 1979. Without hesitation I said “How about John Reed?” Siegel said, “That’s a great idea.” Bill Flaskamp, who was first vice president and had been a student of John’s, said, “I will contact him.” We never voted. We didn’t have to. John was on board before the annual meeting in Phoenix. It was the best move we ever made.

#### *The Enlargement of the Board of Governors*

Prior to Mark Robinson’s summer board meeting at Pebble Beach, California in the summer of 1989, I sent a proposal to all Board members and past presidents to increase the size of the Board of Governors. I did this because of the difficulty we were experiencing in selecting nominees for the position of secretary-treasurer and because I felt that the growing membership deserved broader representation. Also, there were no formal term limits. Some of the members had been serving multiple terms.

Craig Spangenberg came to that meeting and opposed the proposal. He was fearful that if we enlarged the Board, we would start forming committees, begin espousing causes, and begin drifting away from the simple format established by the founders. I assured him that this was not my intention, but that the growing membership deserved broader representation, and the nominating committee needed broader representation so that we would have good choices for the leadership positions. Many of the members expressed the same concerns. When I told Craig that two past presidents and one current officer grew up on the same street in Birmingham, Alabama, he relented.

The president appointed an ad hoc committee of three, headed by Craig, to draft a formal amendment to the bylaws. It was approved unanimously. It has been very effective. The representation is broader, and the nominating committee has been provided with more good choices for the ultimate position of president.

~~~

I have had a deep love affair with the International Society of Barristers for almost forty years. In a relationship with a professional entity that lasts that long there will always be some structural changes, but there should never be changes that abandon the founding principle: the preservation of our system of advocacy, especially trial by jury, by bringing together at our meetings every year trial lawyers from the trenches on both sides of the counsel table to enjoy the wonderful fellowship of this great Society.

At the annual meeting in Naples, Florida, in 1989, I was asked to introduce Tom Lambert, the Editor of the Association of Trial Lawyers of America. Tom and I had known each other for several years. Prior to his speech he asked me what the ratio was between plaintiff and defense lawyers within the Barristers. I told him we did not know, and we did not care. Pursuant to the principles of the founders, we encouraged the nomination of outstanding active trial lawyers without regard to the orientation of their client base.

To the present and future members of the Society and their leaders I say, "Please keep it that way."

**CARLETON R. (TEX) HOY**

**SIoux FALLS, SOUTH DAKOTA  
PRESIDENT 1988**

Dear John [Reed]:

When I came into the Barristers in 1972, Bob Cunningham, Mobile, Alabama, was President, and Alex Newton, Birmingham, and Walter Byars, Montgomery, were second in command. That simply tells you what an impact Alabama had on me from the very beginning.

At that first meeting in Acapulco, Lex Hawkins and John Greer posed as photographers for some fashion magazine at the swimming pool. They were decked out with all kinds of photographic equipment, and arranged for the young ladies around the pool to pose in various postures to have their pictures taken for possible use in their magazine, whatever it was. After watching them operate throughout the afternoon, I learned later that they had no film in any camera, and that was part of the initiation process that first year I attended.

Bill Frates was president at the time of the 1973 meeting at Disney World. Following the meeting, the group boarded a bus to go to Miami to catch a cruise to Nassau. The ship, *The Emerald Seas*, wasn't the prize of any fleet and listed all the way to Nassau. Tom Chandler, Arizona, was on the ship with us. He learned right off the bat that the drummer in the band was the captain of his lifeboat. Tom was deathly afraid of water, and would appear at the dinner table in the evening wearing his oversized life jacket, which he kept on at all times.

The night before we returned to Miami, the luggage was gathered and put in place by the stewards. Somehow, Tom Chandler forgot to leave his trousers out, so they were in the luggage that was placed wherever. So, early in the morning, Tom's wife had to sort

through 4000 or so identical luggage pieces trying to find their own, which she did, and Tom was able to leave the ship with his regular wardrobe.

Sometime later on, Bill McDaniel, Birmingham, became a member. The first day of the convention on St. Maarten, I played golf with Bill. Our foursome would have a couple beers along the way. Late in the round, Bill would start looking for the lady driving the refreshment vehicle. He would spot her, and shout across the fairway, "Nursy, Nursy, I am sinking."

During the week, Bill could not find his return airplane tickets, and was certain that his wife, Nancy, had lost them. All week long, he was questioning her and probably everybody else. Our travel agent, Jaynee Fritz, of Lincoln Tour & Travel, was able to obtain substitute tickets and hand them to Bill by the end of the week.

The last day of the convention, we played golf again. McDaniel reached into his golf bag and found his lost tickets. Alex Newton always described McDaniel in this fashion: "McDaniel, if you had a nervous breakdown, no one in the world would ever know it."

Other special moments were at John Greer's summer Board meeting in 1983 at Lake Okoboji in Iowa. John was a very special guy, and an excellent storyteller. He told the story about his dog, Lucky, and cried through the entire telling of the story. Everybody else in the room was crying.

The 1988 summer meeting in Jackson Hole, Wyoming, was a family-type summer meeting, as so many of the children attended the meeting. The Honorable Robert B. Ranck, a Wyoming judge and a judicial fellow of the Barristers, attended that meeting. The group had planned a picnic following a river tour, and Judge Ranck had the hotel liquor license transferred to our group for the evening. It turned out that the hotel guests were unable to get a drink that night, because of Judge Ranck's taking care of the Barristers.

My meeting at the Ritz Carlton in Naples in 1988 nearly bankrupted the organization. Bob Cartwright had been the convention chairman, but died before the meeting. Only Stan Siegel

in Hawaii in 1980 had spent more with his famous orchid drop. At every annual meeting thereafter, we were scolded until we went off the page with the passing of years. BIG SOUTH DAKOTA SPENDERS!

The Barristers, the leadership and the friendships that existed throughout those years, is permanently impressed on all of our bodies and souls. The most precious friendships that we made along the way still remain, with the simple fact that you and Dot still head the list.

With kindest regards, and love to all of you.

Sincerely,  
Tex Hoy

\* \* \*



**CHARLES F. BLANCHARD**

**RALEIGH, NORTH CAROLINA  
PRESIDENT 1994**

Dear John and Mike [Kelly]:

I have nothing but pleasant memories about the ISOB. I have attended the majority of its annual meetings since my induction some forty years ago and many of its summer board meetings. I cannot recall a one from which I did not come back home refreshed and inspired to become a better lawyer and advocate.

Before joining the Barristers I was an insular sort of a lawyer. This Society broadened my vistas by taking my family and me to exotic and historic places where we heard and associated with talented lawyers and judges who were wise and sometimes hilariously funny. I soon recognized that the ISOB was the one special lawyers' group in which I proudly belonged. I have never changed my mind about this.

I was pleased to host our summer meeting in Asheville at the historic Grove Park Inn, with tours of the largest chateau in America, the Biltmore, as well as Thomas Wolfe's home and the stunning Blue Ridge Parkway, which circles the city.

Another highlight occurred when Dick Day and I served as vice president and president, respectively, at the Society's 1995 Convention at the Hyatt Dorado Beach Resort in Dorado, Puerto Rico, which was developed by the Rockefeller family in the early 1950s and maintained in pristine condition to the turn of the century.

Featured speakers at our convention included Alan Simpson, US Senator from Wyoming; Lord Slynn of Hadley, House of Lords and member of the Privy Council of England (roughly equivalent to the US Supreme Court); and our own John Reed, who as usual topped all our other distinguished speakers.

The hospitality of our Puerto Rico members was astonishing: it featured a Spanish Colonial costume ball held at the old capitol in

downtown San Juan and an amazing thoroughbred horse show on the grounds of the resort where the horses would come right up to the outdoor dinner tables under the perfect control of their handlers. Our fellow member Álvarez Calderón, prominent leader of the San Juan bar, and his lovely wife, Maria, supervised the lavish entertainment at the convention.

After the convention, the Reeds, Blanchards, McDaniels, and Susan Alexander and daughter took a leisurely cruise around the Western Caribbean and laughed and reminisced all the while.

I salute John Reed. We have been blessed to have had him as our leader for over thirty years. We would not have maintained our superiority without him. I am proud to be pictured with him and our recently departed past president, David Nixon.

Sincerely,  
Charlie

## **CON M. KEATING**

**LINCOLN, NEBRASKA  
PRESIDENT 1995**

This perspective of a past president may be a little different. Instead of saying “I” or “my,” you will see “we” or “our,” because, at our first meeting of the International Society of Barristers, it was apparent that the spouse of a Barrister was an integral part of the Society. This remembrance is a collaborative effort of Con and Barbara Keating.

We were invited to our first meeting as guests of Jim Bruckner, Con’s partner at the time, and his wife Marilyn. We attended the meeting in Palm Springs at the Canyon Golf and Racket Club in 1975, where we had fun watching Sonny Bono getting tennis instruction and “hot tubbing” with member Ray Pearson, then a Miami Dolphins owner. As guests in 1975, we first met Jo and Tex Hoy, who were so gracious to this young trial lawyer and his wife—something we will always remember and cherish.

When Con was inducted into the Barristers in 1979, it opened a whole new world to the two of us—meeting wonderful people and relaxing in premier resorts around the United States.

In 1979, to be considered for an invitation, one had to have tried at least 100 jury cases. That was not difficult to do in those days because we tried almost every case. There were no required settlement conferences or court-ordered mediations, which are so prevalent today. Con has told young trial lawyers in his own firm that they will never try as many jury cases as he did because they just will not have that opportunity with today’s alternative dispute resolutions.

Once inducted, we had the great pleasure of getting away from court battles and spending time with fun-loving trial lawyers and spouses.

We were the tennis chairpersons for about fifteen years. We had so many people playing tennis. Our group occupied ten to twelve courts for our tournaments; dozens of people participated. The great Bill Frates from Miami, Dorie and Bill Erickson of Denver, and Tex Hoy of Sioux Falls would play for hours without letting up.

The tennis courts at the Mauna Kea, on the big island of Hawaii, are where we first met Mike and Melinda Perrin and Lindy and Graham Hill. We all enjoyed margaritas by the tennis courts and watched the whales jump. We think we saw more whales, the more margaritas we consumed! A great force on the courts then was Joel Boyden from Michigan, at the net with his BIG racquet. Equally big was his voice and tender renditions of “Danny Boy.”

Barbara never wanted to miss a meeting or a guest speaker because of their excellent topics. Presentations by top-notch jurists, attorneys, authors, statesmen, legislators, astronauts, entertainers, high-ranking military, and more, were the highlights of all the meetings.

Where else would a Nebraska couple ever get to meet the greatest story teller, Ed Matonich, and his lovely wife, Judy, from Hibbing, Minnesota, if not for the Barristers? There have been so many lasting friends and memorable places.

The first time we met John and Dot Reed will stay with us forever. Their eloquence and their love for the Barristers were so apparent—John quiet and studious, Dot smart and feisty. They have inspired our lives.

Of course no one could ever forget the incomparable Billy McDaniel and his ever-patient wife Nancy. Billy always brought a smile to everyone’s face.

We knew the Society was truly “international” when we could meet Dan and Carol Kelly in Dublin, Ireland, and enjoy a night on the town. So many experiences, so many friendships.

In 1992, Fred and Julie Mayer had chosen to have the meeting on Kauai at the beautiful new Hyatt on Poipu Beach. We were his convention chairpersons. Yes, we are big Jayhawk fans, and Fred and

Julie are Missouri Tigers. It's hard to believe we could work together, let alone speak to one another. When coming back from a football game in Lawrence, Kansas, we heard that Hurricane Iniki had struck Hawaii. We walked in the front door of our home and the telephone was ringing with a call from Fred saying that the Hyatt had been severely damaged. The four of us had to fly to Hawaii and find a new meeting venue! Three days later, Fred and Julie, Con and Barbara, and Bill Carley from Travel & Transport were on a plane to Maui. We got the last available time for a convention at the Four Seasons on Maui, an absolutely beautiful resort. We pulled it together and had a great meeting in paradise. Three years later, the meeting for which we were responsible was held there; and Mike and Nann Worel took us there again in 2014.

We feel so fortunate to have been a part of this group since the early years and have been inspired by the wise words of one of the founding members, Craig Spangenberg.

In recent years, Jack Liber ably and so deservedly was the induction voice who proceeded to give the "Conventions of the Convention." No one could ever do it better. Our hearts were broken at the loss of our good friend Jack. He and his wife Nancy—simply the best.

Hearing the eloquence of ISOB members—and their spouses—in recent years assures us that the Society is in very capable hands for the future.

The Barristers is a special group of special people and will stay forever in our hearts and memories.

Con and Barbara Keating

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## **DAVID L. NIXON**

### **MANCHESTER, NEW HAMPSHIRE PRESIDENT 1996**

As a small town boy (Leominster, Massachusetts, population 20,000, more or less, aka “The Plastic City”) and a small state–small town lawyer, I had never heard of the International Society of Barristers until the late 1970s, and then only by happenstance.

I had backed into a medical malpractice case in June 1976, resulting in a verdict of a million and a half dollars, the biggest malpractice verdict in New England at the time, they said. As a result, I received a call from someone named Dick Grand, in Arizona, who invited me to tell my story to something called, “The Inner Circle of Advocates” in San Francisco. It was, and is, a collection of about 100 lawyers across the country who have won jury verdicts of a million dollars or more.

At my second or third meeting of the ICA, held in Boulder, Colorado, I was lucky enough to play golf with a gentleman named Charles Hvass of Minnesota, who was not only a good golfer, but who belonged to about every lawyer’s organization there is. In the course of our game (which I spent mostly looking for lost golf balls—my own and others—including wading into a little fish pond, much to his consternation), I asked him what lawyers’ group he thought was the best and most enjoyable. He said, “Without question, the Barristers.” He then explained a little bit about the ISOB, and it sounded pretty good to me.

When I got back to New Hampshire, I learned that a friend of mine, Phillip G. Peters of Manchester, was not only a member but a past president of the Barristers, but the only Membership Chairman for the states of New Hampshire, Maine, Vermont, and Massachusetts. Yet he had never invited anyone else to join! Phil was a very good lawyer, an ex-Marine, who had a reputation for pulling rabbits out of a hat in jury trials by making “good-bad” closings. By

that, I mean the closing *sounded* good, but actually was bad, if not worse. One of his “techniques” was to wear his Lions pin (he was also a past president of the International Lions Organization), his Marines pin, or his Elks pin, depending on what he had learned about the jury. I had outflanked him once when I found that the jury consisted mostly of Masons. I was a Past Master of Pacific Lodge No. 45 F&AM (you can’t make this stuff up, as Will Durst would say), and thus had a nice Past Masters diamond-studded lapel pin. During the closing of that particular trial, I had worn it, and won. On the way out of the courtroom, Phil shook my hand while looking at my Masonic pin instead of at me, and said “Nice closing, Dave.”

Anyhow, after a “summit meeting” between Charlie Hvass and Phil Peters, Phil grudgingly allowed Charlie to nominate me for membership in the Barristers. As soon as I had anything to say in the organization, we had Membership Chairs for each of the other New England states, as well as for New Hampshire. And New Hampshire's Chair was not Phil Semper Fi.

My first Barristers’ meeting was unforgettable. Unforgettable because I then and there found out (it was at the Arizona Biltmore in Phoenix) that John W. Reed was the administrative secretary of the Barristers. John Reed had been a professor at the University of Michigan Law School, where I started in September 1955, scared to death, with about five bucks in my pocket. He had arranged a loan to get me going until my GI Bill and VA Disability checks kicked in, and he gave my then-pregnant wife a part-time job as his secretary, in violation of University regulations. So to say I was happy to find John Reed again was “the truth, the whole truth.”

It was then and there I also learned that John Reed had a “history” with my then law partner, Stanley M. Brown, later a Speaker of the American Bar Association House of Delegates. It appears that Stanley and John were classmates at Cornell Law School. And after John beat Stanley out for the Editorship of the Cornell Law Quarterly, John—being the Christian gentlemen that he was, and is now, and always will be—created the position of



“Business Editor” of the Cornell Law Quarterly and hired Stanley for that (paying) position! Stanley immediately hired his widowed mother from Bradford, New Hampshire, as his “staff” and never forgave John for his act of Christian charity. That’s the way New Englanders are, in case you hadn’t noticed.

When I got back to New Hampshire, I learned that Stanley had resigned from the Barristers, probably so he could devote his time and money to his campaign for the ABA presidency. He didn’t lose; he came in second. In any event, when I asked Mr. Brown (that’s what I had to call him, of course) why he was no longer a member of the Barristers, he said something to the effect, “All they do is drink and play golf.” And when I later on checked that one out with John, he was kind and tactful enough to say, “I really don’t remember much about Stanley as a member. He seemed to be always on the golf course or in the bar.”

It was at the Arizona meeting when I think the seeds of having the meetings later in the year was found to be a good idea. The weather was freezing. However, it warmed up when I met Charlie Blanchard of North Carolina. Apparently he and Stanley Brown had worked on a case together, so I had my “foot in the door.” Charlie has been a good friend ever since and always will be. He’s also a mediocre golfer, which helped, of course.

Somehow or other in the confusion of the Arizona meeting, I never was “sworn in” as a Barrister; so I’m probably the only “Bastard Barrister” in the crowd. Someday I hope they’ll “officially” let me in.

My Barrister memories range from the sublime to the ridiculous. They include playing golf with Craig Spangenberg of Cleveland, who was pretty good with his clubs but better with a scorecard.

Another nice moment was meeting Dick Botswick of Wyoming at Jackson Hole. He was another old friend of Stanley Brown’s, dating back to Stanley’s race for Congress in the Republican Primary in 1952, as an Eisenhower supporter. Somebody figured out that he’d

spent at least \$7 for each vote he got (he didn't get many), which was a lot of money in 1952. I didn't realize at the time that Dick Botswick was a legitimate veteran and hero of World War II, as a member of the 45th Division. He never said anything about it.

Ray Pearson of Miami, Florida, was a wonderful gentleman and attended Barrister meetings even when we all knew his health did not let him enjoy them. I remember well Joel Boyden of Michigan, who was president in 1986, because he was so large (he'd played football for Michigan) that he was required to fly first class while his wife Jean sat in steerage. I recall Bill Egan's "swansong" as president in Minnesota. He'd had a few, perhaps more than a few, and thus we learned the nicknames of all of his boyhood pals. He kept the crowd entertained to the point that he has never returned for an encore.

Billy McDaniel of Alabama was another favorite of mine, and the crowd, so to speak. He was famous for interrupting speakers with loud, caustic, and humorous remarks. I remember once he called me in New Hampshire and asked, "Dave, why do I got to send \$10,000.00 to this fella John Durkin?" I told him that John Durkin was a candidate for reelection to the US Senate and was known to be a confidant of Maurice Greenberg, President of the AIG Insurance Company. And I told Billy that since he did legal work for AIG in Alabama, he'd better fork the money over. He did.

It was at one of our meetings—I think it was when we were in California playing golf at Torrey Pines in California—that Tom Alexander fell into a deep sink hole among bramble bushes and couldn't get himself out. It took Bob Stein, my wife and me, and a strong nine iron to pull him out of the weeds.

As a New England Yankee I was unaccustomed to people being friendly, as all my friends in the Barristers—both of them—have noted. Nonetheless, my feelings about the group—God bless them all—are best set forth in a little ditty I scratched together and presented as my "President's Address" at the 1996 Annual Meeting of the ISOB in Maui, Hawaii. It reads as follows:

*Hail to the Barristers!*

Once a year we flock from afar,  
By plane, train or taxi—mostly rental car  
To palatial pink palaces, most by the sea,  
Toting golf clubs and sun block, and bags by Gucci.

We lawyers of trial, tired, burned out and frazzled  
Who spend lives in court, browbeaten and hassled,  
Seeking rest, fun and frolic—and time for repose  
Midst beaches and hot tubs—and libation that flows.

But what we *do*? The question oft asked,  
By spouses and friends, as in the sun we bask.  
All this money and food—and glitter galore,  
How helps it the needy—the struggling, the poor?  
The Somalians are starving; the Croats killing Serbs,  
While we're shanking irons, and netting our serves.

The answer must be, in part or in whole,  
We're here for the good of our collective old soul.  
Of *course* we're concerned, lest the world go to pot  
And the plight of the poor is with us a lot.

Thus we've spent day and night, for ever so long,  
To get a little right, from so much that's so wrong.  
Nights in the office—weekends as well,  
Aiding the poor folk, who lead lives of slow hell.

All this is good, so far as it goes,  
But extracts a high price, from our heads to our toes.  
Our health goes downhill, with Roloids and stress pills,  
Hearts get clogged up, and cholesterol shoots uphill.

So something is needed, to save us our lives,  
To lighten the burdens of dedication and drives.  
Such as camaraderie and warmth, good friendship,  
and smiles,  
It's for *these* things we travel these frequent-flyer miles.  
To restore us our sanity and escape from the cold,  
Improve our perspective, and restoreth our souls.

So hail to the Barristers, suntanned and all smiling  
While back home the phones slips and letters are piling.  
Rejoice in our time off, our time of wellbeing  
For too soon the bad stuff we'll again be seeing.  
Revel in our good times, be the "belles of the ball"  
Enjoy each other—and good times, with no thoughts  
of sorrow  
For, sooner or later, that'll come with tomorrow.  
For the present, however, pay it no heed  
And join in the good times of ye "Society Reed."

You see, the Clock of Life is wound but once  
And no person has the power  
To tell just when its hands will stop  
At late, or early, hour  
*Now* is the only time we own,  
Live, love, and toil with a will  
Heed not the woes of tomorrow  
For the clock may then be still.

So hail to the Barristers, All Hail!  
May our sun-warmed souls never pale  
And the bonds of our friendship never fail.

David Lee Nixon  
February 26, 1993

**JOHN G. LANCIONE**

**CLEVELAND, OHIO  
PRESIDENT 1998**

Dear Friends and Colleagues,

The 50th Anniversary of the International Society of Barristers marks a milestone not only to the Society as a whole, but to those of us whose lives have been forever changed by membership in this honorable sister- and brotherhood. Our calling is one of duty and honor, and we share a zest for life that is founded in our passion for justice. Over the years, friendships have been forged, unchanged by time or distance. We long for the days when world travel was easier, the party lasted longer, and fatigue was a stranger.

Twenty plus years later, Mary Jo and I recall fondly our friendships and experiences that are among the most important and influential in our lives. We are so grateful to have been part of it on every level. From the keynote speakers who shaped our thoughts to the colleagues who inspired and supported our lives' work, we thank you. You are part of the patchwork of our life story, and the ISOB is a treasured gift that we are proud to have experienced.

In closing, I'll share this anecdote: I asked my daughter Lisa, whom many of you know, if she recalled any stories from the many meetings she attended with us. The following is her inspiring response:

*Dad, I've wracked my brain and cannot come up with any one story about my time with you and Mom and the wonderful Barristers; there were so many. What I do know is that I've never had more fun, or gone to more fabulous places or met a finer group of people in my entire life. I'm thankful and honored to have been included, and will never forget it. It was like being in the Land of Oz, surrounded by men and women who have great brains, great hearts, and great courage.*

Great brains, great hearts, great courage . . . a fitting tribute as we congratulate the International Society of Barristers on Fifty Years.

With Love, Gratitude, and Peace,  
John & Mary

**FRANK J. BRIXIUS**

**MINNEAPOLIS, MINNESOTA  
PRESIDENT 1999**

Dear Mike [Kelly],

Please accept my apologies for repeatedly failing to answer your entreaties to this scrivener. For the better part of a year, I have put off answering your request to draft a few words on the subjects you outlined way back last March. My delay was not occasioned because I cared too little, but rather because I cared too much about the Barristers and what they have meant to me and our profession. And now with the added entreaties of John Reed, I will attempt with considerable trepidation to honor your request.

It would require volumes to do justice to all who have who have made these fifty years with the Barristers so memorable and enjoyable to Suzie and me. So with the disclaimer that limitations of time and space necessarily do injustice to all, I will follow the yellow brick road and start from the beginning.

Charley Hvass Sr., my partner, first introduced Suzie and me to the wonderful world of the Barristers at their early annual conventions as his guests. They were held, as Dave Nixon observed in his *Hail To The Barristers!* ode, at “palatial pink palaces, most by the sea.” It was at these meetings that as a young lawyer I met and got to know the legends and character of those halcyon days. They were truly larger-than-life trial lawyers, not mere litigators.

Craig Spangenburg, without taking anything from the other great trial lawyers with us in those days, stood above all the rest in my eyes. His vision of what it means to be a Barrister lives on in his Conventions of the Convention, which Jack Liber so eloquently repeated to us at our annual meetings until he left us to join Craig in the next journey. I am pleased, Mike, that you are now presenting Craig’s vision to the Barristers.

One personal note on Craig: I was honored to be a twosome with him in a farewell golf outing in Cleveland. As we approached a green fronted by a very considerable hazard, Craig was opting for an iron and a safe way around, but I told him that was not the Craig I knew and loved. He dutifully returned the iron to his bag and pulled out his favorite wood. After waggling to get the rust out of his joints—and you older Barristers know what I mean—he proceeded to launch a picture perfect shot to the pin. He then turned to me and said, “Remember me like that.” I do indeed, Craig.

In those early years, as contrast them to now, we attended not only the convention week, but the week before and the week after. This was particularly true of the Hawaii conventions. They were truly social events that were looked forward to by the attorneys and their spouses alike. There were innumerable fun moments at these extended conventions, many lubricated by rum and best left to history.

Suzie and I still recall with a smile Stan Siegel’s Maui convention. We were late to the Sunday-night, opening cocktail party and still in our room when we heard the rushing sound of a helicopter followed by the overpoweringly beautiful aroma of tens of thousands of frangipani flowers and petals that Stan had ordered dropped on the party. (This was vintage Stan, who was to sartorial splendor what Imelda Marcos was to shoes. He had to add another large room to his home in Aberdeen, South Dakota, just to house his wardrobe.)

And then there was the night in the Veranda Terrace Bar of the Mauna Kea Beach Hotel. Following dinner, Suzie and I, along with Jim Bruckner, Billy Day, and Tex Hoy, were talking and having a few drinks when we were joined by a couple of young ladies who were also hotel guests. As the conversation progressed, Jim apparently decided to liven up the party. He told the young ladies that he was a psychiatrist and he could tell the young ladies all about themselves by reading their palms. The rest of us were just along for the ride and we decided to stay and see the show. And what a show it was.



Remember, we were young then, and Jim in particular was dashing and handsome (someone had dubbed him the German tank commander). He took her hand in his, and with his blue eyes dancing and sparkling, he put on a performance that had her entranced and us ready to give him an Oscar and a standing ovation. We all then parted company and went our separate ways, thinking no more about it until the following morning. Apparently, Jim and his wife, Marilyn, were walking to lunch when the young woman whose palm he had read rushed up to him and said "Doctor, doctor, I must talk to you." We were told that Marilyn just shook her head.

Back to Craig: After his passing, I had the honor of introducing John Reed to the convention. Having worked with John as the Program Chair for Dave Nixon's convention, I quickly became aware of his extraordinary talents and his importance to the Barristers. He was indeed the heart and soul of the Barristers then; the mantle, much like from Elijah to Elisha, had passed from Craig to him. John has indeed kept the vision and has been our lodestar as we pass through the crosscurrents of change. (And what better person to lead us than this unbridled optimist, who at the age of eighty-one bought a twenty-five-year timeshare at Finisterra?)

We owe a debt to Craig and John that can be repaid only by keeping the vision of the Barristers that they have so lovingly and carefully passed on to us. In closing, I choose the words of Billy McDaniel, who, eschewing grandiloquent speeches, simply said "Thank you for the honor of being your president. I love you all." Amen and adieu.

Sincerely,  
Frank

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**MYRON J. BROMBERG**

**MORRISTOWN, NEW JERSEY  
PRESIDENT 2000**

The high point for my year as Barrister president was the annual meeting in Nevis at the Four Seasons Resort. It even surpassed our mid-year Board meeting at Whistler during my term.

It was great fun working with Dan and Carole Kelly, John and Thelma Newman, Bill and Lucy Carley, the Reeds, and, of course, Lisa, on arrangements. Lisa's insistence that a local band learn to play Motown for the final dinner resulted in importing new music to the island. The piano entertainment provided by my Yale '56 buddy, John Eaton, the jazz maven, was also outstanding.

Although I have participated in many legal organizations, the Barristers has been my favorite. It was a great honor to have served as president—one that I shall always treasure.

Mike

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## **JOE McLEOD**

**FAYETTEVILLE, NORTH CAROLINA  
PRESIDENT 2001**

Allene and I will have been members of the ISOB for twenty years at our upcoming meeting in Florida. I truly believe that what sets this group apart from all other groups are the close relationships that are established among the members, the spouses, and the special friends. These relationships are fostered and nourished by the fact that “shop talk” and business discussions are strictly off limits. This policy allows guests and spouses to participate in the discussions and enjoy the programs. To compare this practice to other professional meetings is similar to comparing a happy family reunion to a car-dealers trade show!

In addition to the no-business-bragging rule, the policy of no politics also promotes a bond among the members and others by providing an opportunity to get to know others in depth through personal interactions throughout the meetings and year round. Many of our best and longest friends have come from our years with the group, and a roll call of names brings to mind many great times with friends. The hidden gems are in the members, spouses, and guests, and lifelong treasures are uncovered when one invests the time to become better acquainted with the guests, the speakers and other barristers. Let me cite a few personal examples.

Allene and I first attended at Mauna Kea when Joel Boyden was president. Who does not think of Joel and his wife Jean when “Danny Boy” is sung, especially around St Patrick's Day! As Allene once said, “Whoever is not shedding a tear is someone I don't want to know.”

Two years later, at the opening reception in Naples, we entered the silk “Sultan's Tent” at the Ritz Carlton, where I encountered a tall gentleman who looked at my name tag. He said, “My middle name is McLeod, do you mind if I call you cousin?” I

looked at his tag, which was white (a speaker's tag) and saw that it read "Tony Kennedy." I repeated to myself a couple of times, "Tony Kennedy, Tony Kennedy . . . Oh my gosh! Mr. Justice Anthony M. Kennedy!" My parting memory from that night was Mr. Justice Kennedy and his lovely wife Mary, dancing under the tent to the tune of *Bad, Bad, Leroy Brown*.

Speaking of US Supreme Court Justices brings to mind a convention in Arizona, at which Justice Sandra Day O'Connor came to our meeting as a speaker with her husband. This was after she had retired from the Court. The amazing fact was that when she announced her plans to retire, she received over 10,000 invitations to speak in the FIRST WEEK following the announcement. She had not been invited as a speaker to the Barristers, but was substituting for a former clerk of hers who had been invited but was unable to attend at the last moment.

When Charlie Blanchard was president, the Board meeting was held in Asheville, North Carolina, at the historic Grove Park Inn. I discovered two gems that weekend that made lasting impressions on me. The two were Jack and Margaret Arness and Stanley and Nina Krist!

I sat at breakfast one morning with Jack and Margaret. I barely knew them, and we spent a long time learning about each other. Jack's story has stuck with me for at least twenty years. Jack grew up on a farm in South Dakota. His grandfather died while his father was high school, and as a result his father had to take over the farm. He did not have an opportunity to attend college. When company would come to visit, young Jack was riding a broomstick horse around the house. His father taught him to respond to the question of what are you going to be when you grow up by saying, "I am going to Harvard."

When Jack finished high school, WWII had begun, so Jack entered the army. After the war was over, Jack recalled what his father had taught him, so he applied to Harvard. During the war, Jack was instrumental in helping to break the enemy code. As a result, he

was admitted to Harvard, and he was given two full years' credit! He entered as a junior and graduated in two years!! Since he had a year remaining on the GI Bill, Jack went to Georgetown to law school. When he finished, he and three of his classmates started a firm in DC that became Hogan & Hartson. What a gem this story is, and it began with an enlightened father who inspired his son to greatness.

At that same Board meeting in Asheville, Ally and I stayed over at the Grove Park Hotel. It was Saturday night, and most Board members had left. As we entered the dining room in the great hall, we encountered Stanley and Nina Krist. Since we did not know them well, we welcomed the opportunity to dine with them and become better acquainted. Stanley was a large grizzly bear of a man with a heart of pure gold and a very quick wit.

Some years later, at a Board of Governors meeting in Sun Valley, during a discussion of a proposed female member, there was concern that the mention of gender was inappropriate. Someone made a motion that "the minutes be amended where the nominee was referred to as a woman." Stanley Krist quickly interjected to add the words "damn fine." When, sadly, Stanley died sometime later, several of the Barristers wives went to Texas to be with Nina Krist. The wives wore black caps with the letters DFW (Damn Fine Woman). They stayed in touch as a group for years and referred to themselves as the Damn Fines!

Evidence of the effect of the no-shop-talk rule was exhibited when a speaker from the FBI dined with several members on the night before his speech. During dinner conversation, the speaker asked the members, "What type of law do each of you practice?" I am not sure he believed the response when everyone looked at each other, shrugged, and replied, "We don't know because we do not talk about that at our meetings."

I would be remiss if I failed to mention some of those who contributed to the great heritage of this organization. I was fortunate to know Craig Sprangenberg, who charted the course each year for new members and who was succeeded by Joel Boyden, and later by

Jack Liber.

Jack was the program chair the year I was president. He was wonderful to work with and a man with a great sense of humor. He played more than one trick on me in planning our convention. After one conference call with him in which he told me he had lost the notes I had given him concerning certain speakers, I remarked to Ally, "That is so out of character for Jack Liber! In addition, he wants to bring his sister to be on the program." Little did I know that she had been the harpist for the Israel Philharmonic Orchestra for going on forty years! I don't think I have ever been more moved than when she showed the video of her playing for the Prime Minister of Israeli and the Pope. Only three persons in that room!

I have many other fond memories of our times with the Banisters. Just the mention of their names brings to mind thoughts of fun times! Alex Newton and Walter Byars—always true Southern gentlemen! And Billy McDaniel, whose drawl was so heavy we thought he had marbles in his mouth. Ray Pearson, who was the last person I know in Florida to pronounce his city "Miammuh."

I treasure the many golf matches when Con Keating and I would compete with Dan Kelly and Joe Meusey for "The Cup." It turns out, the cup was a Mason jar filled with a clear liquid! I also chuckle at the memory of leaving the tennis court with Bob Ritter as my doubles partner when someone called "How did you do?" Bob quickly responded, "It was 6-0, 6-0, but it wasn't really that close." Bob and I were the team with the zeros.

Tom and Susan Alexander were another unique couple in the Barristers. During one Board discussion of a meeting destination, Tom was quick to opine that the location was "someplace one is sent, rather than a place one would go."

The last "gem" in my discussion its one without equal: John Reed. When I try to find the words to characterize John Reed, I remember Frank Brixius' meeting at the Aviara in California. We were going down one fairway when Ed Matonich came up the adjoining one. We inquired how he was playing and he said, "So



poorly, I have run out of profanity.” Well, when John Reed is discussed, there is no profanity involved, but when I try to think of adjectives to describe what he means to the Barristers, each and every one of us, I run out of adjectives. He is the heart, soul, and moral compass of the International Society of Barristers. He is a kind, considerate, intelligent and compassionate person. All of our lives have been made better from knowing him.

Mike Bromberg spearheaded the movement to establish the Barristers Foundation during his tenure as president. The Foundation was completed during my term, due to Mike’s hard work. The largest single contribution ever made to the Foundation was in honor of John and Dot Reed. This attests to the high regard in which they are held! We truly miss Dot’s ever-faithful presence at our gatherings, and consider ourselves so very fortunate to enjoy John Reed’s warm presence when we convene.

When I recall portions of this definition of success—“to win the respect of intelligent people, to earn the approbation of honest critics, . . . to appreciate beauty, to find the best in others, to leave the world a bit better . . . and to know that even one life has breathed easier because you once lived”<sup>1</sup>—I am confident that its author intended to describe a person such as John Reed!

Joe

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1. This quote has nearly as many versions as it has attributed authors, but the first of the latter was evidently Bessy A. Stanley, whose definition was published cheek by jowl with an poem by Ralph Waldo Emerson in 1911, leading many to think him its author. See <http://quoteinvestigator.com/2012/06/26/define-success/>. See also <http://emerson-legacy.tamu.edu/Ephemera/Success.html>.

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**DANIEL J. KELLY<sup>1</sup>**

**SAN FRANCISCO, CALIFORNIA**

**PRESIDENT 2003**

*Remembrances, Including Michigan Inspiration and Erudition,  
the Texas Twang, and the Alabama Drawl*

I had the pleasure and high honor of serving as ISOB President in 2003. The convention that year was held in Naples, Florida, at the then-new Ritz Carlton Golf Resort. Carole and I hosted the summer board meeting at the place we call home, Napa, California.

As secretary-treasurer, Carole and I were responsible for the program for the convention hosted by Mike and Lisa Bromberg on the island of Nevis, in the West Indies. Two of the speakers stand out in my memory and we remain friends: Fred D. Gray of Alabama, a Fellow of the Society, and Judge Joseph P. Kennedy of Nova Scotia. They were so good that as president I asked them to do an encore at my convention in Naples. Again they were both superb, although Judge Kennedy was a bit disappointed that his encore was not in Naples, Italy, but rather Naples, Florida.<sup>2</sup>

Speaking of encores, at Nevis we were entertained by pianist John Eaton, a Yale classmate of Mike Bromberg. When one speaker suddenly withdrew, I asked John to do an encore performance, which he accepted and devoted to Cole Porter and Hoagy Carmichael songs. John Reed was a bit bewildered as to how he could turn two musical recitals into CLE materials and an article for the *Quarterly*. I was heard to say, "Not my problem."<sup>3</sup>

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1. Initially I thought would write an introduction explaining this short essay. I was reminded that the Welsh poet Dylan Thomas once refused to explain one of his poems by saying, "Let the little lyrical cripple stand or fall on its own." So be it.

2. Scott and Jeanine Powell were in charge of that year's program. Carole and I so enjoyed working with them and are still indebted to them for all of their wonderful planning.

3. One could argue that Hoagy Carmichael's "I Get Along Without You Very Well" touches on Family Law.

Another speaker who stands out in my mind is the political satirist and comedian Will Durst. I had a small role in getting Will to first entertain the Barristers and have had the pleasure of introducing him at two or three conventions. He always exceeds our expectations with his hilarious political observations. And Will enjoys the Barristers. After all, he describes his comedy as being “for people who read or know someone who does.” Hopefully, we meet both criteria.<sup>4</sup>

A true highlight of my year at the helm of the Barristers occurred when Carole and I traveled to Ann Arbor, Michigan, to visit with John and Dot Reed. There they gave us a tour of their new condominium followed by a tour of their beloved University of Michigan Law School. The day was capped off at one of the Reeds’ favorite restaurants that, as they described, catered to “a younger crowd,” making it “more lively.” I just hope to make such young and lively choices when *I* am in my eighties. It was obvious from our visit that John and Dot truly loved one another, loved Ann Arbor and John’s long stint at the law school, and, of course, they truly loved the Barristers. It was a very inspiring visit.

My reflections on the Barristers must include a discussion of the late, great Stanley Krist of Houston, Texas. Stanley was a great Barrister, served on the Board of Governors and did his very best to drive me to drink, disorderly conduct and mediocre, at best, golf—all with great laughter and fun. He loved to tell all that he was half Jewish and half Irish—quite a combination.

While Stanley weighed 100 pounds more than me, that didn’t deter me from trying to think I could be his equal regarding alcohol consumption. WRONG! He even convinced me once that tequila would bring out the Spaniard in me and would not leave a hangover. DOUBLE WRONG!

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4. On the liner notes to one of Durst’s CDs our own Past President Ed Matonich is quoted: “Our members are still laughing–crying over your verbalization of what is going on in Washington and the world. We would be laughing more if your words weren’t based on the damn facts.”

At a lull in a Barrister's Board meeting I wrote this note to Stanley bemoaning my golf game: "If I gave up golf and took up gardening, the tomatoes would come up sliced." Stanley quickly scribbled back, "Yeah, Kelly, and you could use them in your famous chili dips."<sup>5</sup> The point of the story is that Stanley was never at a loss for a quip, always with lightning speed and enlightening quality.

Another great friend, Barrister, and somewhat nemesis was Past President Billy McDaniel of Alabama. His wonderful drawl resulted in my understanding about half of what he said. That half always left me laughing. At my first convention I was selected<sup>6</sup> to be part of his golf foursome. From his "golf apparel" to his constant talking, I can only say that Billy was to golf etiquette what Governor Chris Christie is to pole vaulting. We all loved Billy and still miss him.

While I rarely speak for Carole, I will now. As a nonlawyer, she so enjoys the convention programs. They are not a bunch of "how-to" lectures for lawyers. Rather, we have enjoyed presentations from ambassadors, astronauts, admirals, generals, biologists, physicians, inventors, innovators, and politicians (and their nemesis, Will Durst), as well as writers, sports figures, theologians, a pianist, and the list<sup>7</sup> goes on. Our programs inform us of what is going on in the world. Sure, we have enjoyed presentations by Supreme Court Justices, Attorneys General, prominent lawyers and law professors, but they all spoke of the bigger picture rather than something parochial for lawyers only.

The convention settings also merit mention. A great deal of thought and planning goes into every convention, with particular thought given to ambiance, meeting room design, food quality, and, of course, location, location, location. From our twenty-six years of

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5. To the nongolfers, a chili dip is a flubbed chip shot caused by the player trying to help loft the ball. For those wishing a demonstration, please watch a few holes played by Stanley's and my friend, Jim Bruckner. Stanley's brother, Ronnie, could also, at times, qualify as a demonstrator of this shot.

6. The selection was really a "baptism by fire" ritual.

7. We almost got the entire list with a recent speaker: James A. Baker III has been US Secretary of State, White House Chief of Staff, Secretary of the Treasury and Undersecretary of Commerce. Oh yes, he is also an attorney.

membership, Carole and I can say that the conventions have all been great by every criterion. They truly serve their design to be a respite for busy trial lawyers and their supportive spouses and significant others.

I am sure I speak for all past presidents in saying that when it comes to planning, the travel agency Travel & Transport has made us all look good. We have been blessed with the wonderful efforts of Jaynee Fritz, Bill (and Lucy) Carley, Sandy Krupka, and Karin Holmes. They always see not only the big picture but also the minute detail that makes it happen.

The founders of our organization deserve our sincere gratitude for the splendidly crafted governing documents they created. The requirements that members must “possess excellent character and integrity of the highest order” and “shall possess an amiability of disposition” have resulted in an organization that is remarkably strong and cohesive. Membership in the Barristers rightly represents that the Fellow has risen to the highest echelon in the legal community. As Jack Liber and his predecessors reminded us every year in “The Conventions of the Convention,” Barristers do not need to nor should they ever bray about their legal victories or accomplishments. Rather, we are viewed as equals who gather to enjoy each other’s company and to cultivate and renew friendships. Carole and I love the Barristers and the wonderful friends we have met in the past twenty-seven years.

While I have been fortunate to have been honored with selection to other trial-lawyer organizations, it is my membership in the Barristers that I truly cherish. Certainly, a major highlight of my legal career was my selection to serve as the 39th President of the International Society of Barristers. As Billy McDaniel then summed it up to me, “Kelly, you now are in tall cotton.” Indeed!

Daniel J. Kelly

## **EDWARD J. MATONICH**

**HIBBING, MINNESOTA  
PRESIDENT 2005**

### *The Answer Is Frozen in the Wind*

The people in my hometown of Hibbing, Minnesota, are justifiably proud of native bard Robert Zimmerman—aka Bob Dylan—who was raised here in the midst of the mines, pines, and lakes near the Canadian border. However, Hibbingites believe that one of Dylan’s best known songs was misnamed—we contend that the title of that song should be, “The Answer is Frozen in the Wind.” Our town’s weather has been described as nine months of winter followed by three months of cruel temperatures. My father often described our climatological conditions as “clear and still.” He would follow up with, “clear up to your ass in snow and still coming down.”

The ISOB, with its winter convention in the climes of Arizona, California, Florida, or Hawaii, provides my wife Judy and me with welcome respite from the bitter winds and below-zero temperatures of the tundra we call home. Of all of the conventions that we have attended since 1984, the only one that has been marred by cruel weather was in Arizona at a venue that Judy and I had picked. It snowed on the first day of the meeting and rained for the duration. Only the Barristers’ spirit of warmth, collegiality, and forgiveness saved the day! That same kindred closeness keeps ISOB members returning to the yearly meetings and staying in touch in between.

One of my treasured memories involves my hosting a January fishing trip for Barrister friends from Alabama, Arkansas, and Wyoming, when several of my Minnesota friends and I taught our Barrister guests how to walk on water—to ice fish.

Ed Matonich

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**SCOTT S. POWELL**

**BIRMINGHAM, ALABAMA**

**PRESIDENT 2006**

In February, 1996, in a large meeting room at The Four Seasons Hotel on the island of Maui, this forty-one-year-old, red-badge-clad young lawyer had been greeted warmly the evening before as a new inductee into ISOB. As I sat in that meeting room on Monday morning, I looked around at the outstanding collection of lawyers at the top of their game. It was awe inspiring and, candidly, somewhat intimidating. After President Con Keating warmly welcomed the Fellows and their spouses, Past President Jim Bruckner took the podium and delivered what I thought at the time was one of the most eloquent soliloquies I had ever heard. It was the induction charge to the new Fellows. The charge embodied the very foundations and guiding principles of ISOB. In an interesting twist, I quickly learned that the charge was not directed solely to those of us wearing red badges, but a very firm reminder to the blue badges in attendance as well.

While the charge is a remarkably free of verbiage, its impact and importance exponentially transcend its length.

Not long after that induction ceremony, soon-to-be president Jack Liber undertook its delivery at each annual meeting. With that trial-lawyer voice and emphases being placed so expertly, the induction charge was truly an extraordinarily moving experience.

ISOB has been blessed with a vast array of talented lawyers, talented spouses in a huge variety of professions, but most important, just good people.

No one can dispute that the programs presented to the Fellows are the most unique, interesting, and informative of any similar legal organization in the world. The diversity and range of topics have covered every aspect not only of our profession but of humanity as well. From the address of woman who as a little girl had been

engulfed in napalm-induced flames running naked down a street in Vietnam, captured in a photograph that had moved the world, to the President of Costa Rica, our legacy has been enriched by our exposure to these remarkable individuals. Having said that, I must confess that my excitement level rises in anticipation of listening to the induction charge. To me, that is one of the greatest highlights of the week we are able to spend together.

Ten years after being inducted into ISOB, I was fortunate enough to become president of the Society—the singular highest professional honor that has been bestowed upon me. As we look back over the extraordinary leadership of this group, we truly stand on the shoulders of giants. As we move into the next fifty years, let's all recommit to those foundations established by those giants.

Scott

**EDWARD J. NEVIN**

**SAN FRANCISCO, CALIFORNIA  
PRESIDENT 2007**

There are many ways to approach the task of sharing presidential memories. I have chosen to focus on a selection of words (from five speeches), a difficult task when so many brilliant ones have been spoken to us over so many years. I think each qualifies as “fireside chat,” reminding us of who we are and why we love to get together.

1. I was honored at our 1999 meeting to be assigned the task of warm-up act for Jim Brosnahan’s “Irish Legal Traditions: The Struggle Toward Freedom and Law,”<sup>1</sup> delivered at Kailua-Kona on March 2, a date that Peter Byrnes, God rest him, assured us was more than close enough to the Holy Day of March 17 to justify an all-Irish program. Brosnahan reminded us,

Although we talk about the Irish this morning, there are many other groups who came to the United States, and their stories are fascinating, too. I encourage you to ask those you know how their people came to the United States. But the story of the Irish here epitomizes the story of America.

Of course, I am more Irish at some times than at others. Sometimes I’m not Irish at all. I forget. I forget to be Irish. But I’m always American. And that took a lot of work. That took generation after generation.

....

I think that we all have such stories if we trace our histories back to our magnificent ancestors. We are the fulfillment of the hopes of those grandmothers

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1. 34 INTERNATIONAL SOCIETY OF BARRISTERS QUARTERLY 343 (1999).

long ago who wanted more for their descendants than what they saw around them. Grandmothers all over Europe, in Asia, wherever you want to go. I think this is our time. We are American lawyers. And I don't say that just for this talk. I say it to myself on a Monday morning when I have to get out of bed and go talk to a judge who is demented.<sup>2</sup>

2. I commend to you to go back and read "Fifty Years at the Trial Bar"<sup>3</sup> (Kailua-Kona, March 2002) by our trial lawyer/ academic fellow / professor of trial practice from Kansas City, Missouri, James Jeans. With a wonderful collection of stories and poetry, he challenged us to Dare to Be Eloquent:

I turn to the great Roman orator Quintillian for my concluding thought. Quintillian was asked what makes a good orator. . . . [He] paused and then said simply, "An orator is a good man who speaks well." . . . We do have acquired skills, important certainly, but they need to be used in the service of goodness. And my hunch is that the essence of this organization is not to develop the skills as much as to stimulate the goodness. That is why it is such a pleasure for me to be with you.<sup>4</sup>

3. Please also go back and read what is probably the shortest (two pages) presentation of the lot—a recollection of an Albert Krieger tribute to United States District Judge Warren Urbom, the Nebraska judge who presided at the Wounded Knee trials of 1974: "Indians Rose for the Judge":<sup>5</sup>

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2. *Id.* at 343–46.

3. 37 INTERNATIONAL SOCIETY OF BARRISTERS QUARTERLY 391 (2002).

4. *Id.* at 412.

5. 31 INTERNATIONAL SOCIETY OF BARRISTERS QUARTERLY 340 (1996) (The tribute was first published in the *Omaha World Herald*, Thursday, Nov. 2, 1996, and was reprinted in the *Quarterly* with its permission.)

Albert Krieger was the lead defense counsel in the Sioux Falls, S.D., courtroom. On the first day of trial, a sensitive issue arose—the Indians attending made it known that they would not stand when the judge entered and the bailiff said, “Please rise.” The attorneys asked to meet privately with Judge Urbom in his chambers.

To stand for a federal judge, the lawyers explained apologetically, the Indians felt would be an acknowledgment of the hated Treaty of 1868.

“Judge Urbom blinked once or twice,” Krieger said, “and told his bailiff to delete [the words] ‘please rise’ from the opening proclamation. . . .

Six weeks into the federal trial, a related case was to begin in state court in Sioux Falls. The judge in that case warned defense attorneys that they would be held in contempt of their clients and supporters didn’t rise.

When many failed to stand, Krieger said, the judge ordered deputies to “make them rise.” They refused.

“A riot ensued,” Krieger said. “Three Indians were badly bruised and battered, and one lost an eye. The courthouse was pretty well wrecked.”

The federal case in Judge Urbom’s court reconvened two days later with tension in the air; Indians arrived wearing rabbit fur in their braids and porcupine quills in their vests. . . .

[T]he judge entered. And the Indians who packed the courtroom rose.

“They stood as one,” Krieger said. We at counsel table looked at each other, astonished and stunned. Judge Urbom realized what happened, and returned to the robing room.

“When he returned three minutes later, they rose again. There were tears in his eyes. . . . Within a framework of genocide that occurred over 200 years of our history, the most militant of the American

natives stood for a federal judge who had demonstrated to them courage, integrity and honor.”<sup>6</sup>

4. How does one pick but one of so many John Reed gems? Arbitrarily, of course, but this one might just fit the bill, because it begins with one of John’s signature, glint-in-his-eyes innuendo and ends with one of his typically great stories:<sup>7</sup>

After all the stimulating and provocative and richly varied presentations of the week, this little homily seems a bit of an anticlimax, not unlike Ann Landers’s description of Niagara Falls as “the second greatest disappointment of every bride’s honeymoon.”

....

Finally, we must not think that it is too late to board the train. There is still time to affect the outcomes of our profession’s problems. You and I are not too old, and it is not too late. I say this with particular reference to myself, as likely the oldest person in the room.

Some years ago, New York’s Museum of Modern Art mounted a retrospective of Picasso’s works. Nearly a thousand of his works were displayed in chronological order . . . . [T]he early works were landscapes and still lifes. Then, as he advanced in age, brilliant colors began to emerge, and the still lifes were no longer very still . . . . [T]he works turned into the kind of bold, zesty abstractions for which Picasso is best known.

[W]hen Picasso was eighty-five, he was asked why his early works were so solemn and his later works so ecstatic and exciting. “How do you explain it?” asked the interviewer. “Easily,” Picasso responded. “It takes a long time to become young.”<sup>8</sup>

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6. *Id.* at 340–41.

7. 38 INTERNATIONAL SOCIETY OF BARRISTERS QUARTERLY 382 (2003).

8. *Id.* at 382–88.

5. I have shared this with you before, but I can't help repeating: Stanford Professor of Law Gerald Gunther spoke to us in 1996, fresh from the publication of his scholarly biography of Judge Learned Hand. He referred us to the Ronald Dworkin review in the *New York Review of Books*, where Dworkin, a former law clerk to Judge Hand, told the story of his own first date with the woman who was to become his wife. Unfortunately, deadlines required that he interrupt his date to deliver a draft memorandum to the home of Justice Hand. The young lady agreed to accompany Clerk Dworkin, even though it was not exactly consistent with her first-date expectations. After Dworkin and Hand completed their legal discussion, the judge prepared dry martinis for the three of them and proceeded to a wide-ranging conversation about life and literature and art and politics and gossip. He was brilliant and charmingly attentive, and when the young Dworkin took her home, he asked if she would see him again. She said she would—as long as he brought Judge Hand along.

\* \* \*

I am grateful for my thirty years of so much sharing with the Barristers, both you Fellows and you lovers of Fellows. Like the lady Dworkin, my wife, Dale, is pleased to come every year, so long as each of you are here to greet her, hug her, and inspire her.

\* \* \*



**WILLIAM R. GRAY**

**BOULDER, COLORADO  
PRESIDENT 2008**

*Reflections on the 2008–2009 ISOB Presidency*

Peter Byrnes was, in the words of US District Court Judge John Coughenour, “a world-class, internationally recognized” commercial litigator. Peter had earned the highest respect of his peers, he had a practice in Seattle, Washington, that was the envy of all, and he was a proud Fellow of the International Society of Barristers. Peter was in the line of officer chairs, set to become president of ISOB in March 2008, but tragedy struck.

Peter had courageously battled multiple myeloma, an incurable cancer of the plasma cells, for four years. Sadly, Peter passed away on June 14, 2007, at home on Mercer Island with his family at his side. Suddenly, this outstanding leader of our profession and incipient leader of the Society was gone, nine months before he was to become president of ISOB.

About a month later, the summer Board meeting of ISOB was held at the iconic Hotel Bel-Aire in Los Angeles. As most of you know, the past presidents who attend the summer Board meeting nominate new Board members and nominate a member of the current Board to go into the officer chairs of ISOB. This meeting added an unprecedented task—selecting a Board member who would become president of ISOB at the 2008 annual meeting eight months later at the Four Seasons Resort on Maui.

Tiana and I love seeing our Barrister family at each of these meetings. After the welcoming cocktail party Wednesday night, we weren’t quite ready to stop. We had a late cocktail, then, en route to our room, we walked by the cottage Marilyn Monroe always stayed in. We lingered there a while, enjoying the beautiful summer evening and beautiful grounds, and retired rather late.

The next morning was the Board meeting. The past presidents attend but promptly retire to discuss potential candidates and formulate their nominations. The meeting was to start at 7:30 a.m.

As we went to bed, I pulled the blackout drapes so we could sleep well. I always awaken early so never have the need for a wake-up call. Thursday morning I awoke with a start in pitch blackness—it was 7:25 a.m., five minutes before the meeting was to begin. It seems that Hollywood stars typically do not arise early, and these blackout drapes work perfectly to permit sleeping very late.

I showered and dressed at lightning speed, shaved while running to the meeting and arrived at 7:35 a.m. with a heart rate above 140. The meeting began, the past presidents retired, and upon their return they made their report, including that the person who would become president of the International Society of Barristers eight months later was me.

A month later, for my birthday Tiana gave me a gift of a CD. The first song was Marilyn Monroe singing her breathless “Happy Birthday, Mr. President” to JFK—a perfect reminder of the late evening that nearly caused me to miss the most important meeting of my life.

We had a trial set to begin the week of the 2008 ISOB convention, and the defense knew I was to be inducted as ISOB president. This case should have settled, but this was 2008, near the nadir of the world economic crisis.

A week before the convention was to begin, we cancelled our room and all the activities we had signed up for, but not our airline reservations. I called John Reed and told him why I could not come but that I had videotaped my acceptance speech and to please play it when the time came. John just said, “Every trial lawyer there will know the feeling well: you have a client to represent.” Three days before the convention the case settled, we made it to Maui, and Tiana, Leslie Byrnes, and I were on the podium together when we became president.

Peter and Leslie Byrnes had selected the Four Seasons Hotel in Scottsdale for the 2009 annual convention. Just as the annual-meeting portion of the 2009 convention was starting, Leslie Byrnes handed me a gavel. She explained that she had given this gavel to Peter Byrnes shortly before his death to commemorate his upcoming ISOB presidency and the gavel was entrusted to all ISOB presidents to come, given in Peter's memory.

To open the meeting I rapped the gavel three times, then explained its history. It was another way to honor Peter Byrnes' memory. We were standing where Peter should have been standing, at the site he and Leslie had picked. Honoring his memory at that special time was strong within us, as it is now. When one looks at the list of past presidents, Peter Byrnes' name does not appear, due to his untimely death. Hopefully, this submission will assist in preserving his important place in the history of ISOB.

It was our great good fortune that the past presidents had also nominated Graham Hill to go into the officer chairs, so Graham and his wonderful wife, Lindy, were program chair at the 2009 Scottsdale convention. Often you will hear Barristers refer to the Barrister family, and it could not be more true. Tiana and I consider so many Barristers to be very dear friends, as close as any family. Serving with Graham and Lindy at the Scottsdale convention in 2009 made our bond even stronger.

As program chair, Graham and Lindy did a magnificent job. One highlight for me was that Graham asked me to introduce the incomparable John Reed as a speaker. John was yet another connection between Peter Byrnes and me. Peter had been a student at the University of Michigan School of Law when John Reed taught there, and I was a student at the University of Colorado School of Law two years later, when John Reed became its Dean. Rather than start introducing John, I took an extra moment and first introduced Dot Reed, John Reed's beloved spouse. Like John, Dot was a pillar of the International Society of Barristers.

It was my pleasure to tell the convention attendees that when John became Dean at the University of Colorado School of Law he made it clear he did not favor students working outside jobs while attending law school. John felt that proper dedication to excellence was too demanding to accommodate outside work. I had to work outside jobs to be able to go to law school, so I could not comply. John recognized this, and instead of making my life difficult, he and Dot hired me to bartend their frequent parties for faculty or visiting dignitaries. I was able to share a few insights of John and Dot and their wonderful blended family in unguarded, loving moments before the crowd arrived—memories that remain strong for me even today.

Most of us have received professional honors, some perhaps beyond our dreams. Being a president of the International Society of Barristers is such an honor for me.

I can say from the heart that many, many ISOB Fellows and their spouses or significant others are our very dear friends—we just have so much in common. If you are ISOB, you are part of our extended family.

Bill Gray

**WILLIAM F. MARTSON JR.**

**PORTLAND, OREGON**

**PRESIDENT 2009**

*Preserve the Magic*

Malcolm Gladwell begins *Blink*, his book on snap judgments and rapid cognition, with the story of how the Getty Museum paid \$10 million for a statue said to be a sixth century BC *kouros*, based on the exhaustive tests of scientists and analysis of lawyers, only to be told by three experts at first glance that it was a forgery. The three experts were correct. As to the incident Gladwell concludes,

Our world requires that decisions be sourced and footnoted, and if we say *how* we feel, we must also be prepared to elaborate on *why* we feel that way. This is why it was so hard for the Getty . . . to accept the opinion of . . . [the experts]; it was a lot easier to listen to the scientists and the lawyers, because the scientists and the lawyers could provide pages and pages of documentation supporting their conclusions. I think that approach is a mistake, and if we are to learn to improve the quality of the decisions we make, we need to accept the mysterious nature of our snap judgments. We need to respect the fact that it is possible to know without knowing why we know and accept that—sometimes—we're better off that way.<sup>1</sup>

Whether you call it rapid cognition, snap judgments, or “gut instinct,” every first-class trial lawyer has developed that skill to a fine art. In many instances, it is the accuracy and speed with which a lawyer can size up a witness or opposing counsel, which means the difference between winning and losing. That skill becomes virtually

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1. MALCOLM GLADWELL, *BLINK, THE POWER OF THINKING WITHOUT THINKING* 52 (2005).

automatic and instantaneously deployed. So when that same first-class trial lawyer initially meets other lawyers, without conscious effort or thought he or she knows immediately whether they are the “real deal,” whether they, too, are people who have tried a lot of cases and have successfully tried the tough ones, or whether they are competent, but not extraordinary trial lawyers, or even, sometimes, a species of file processors. That is, in my view, at once the key reason for the success of the Barristers and the principal challenge to maintaining it as the remarkably special organization that it is.

We, like the Getty, have an objective process we employ to select new members. Any Fellow may nominate a person. The nomination form requires a substantial amount of information concerning the nominee, particularly his or her accomplishments in trials. The opinions of judges before whom the nominee has appeared are solicited. And, most importantly, all Fellows from the state where the nominee primarily practices are polled regarding their views. All of this information is compiled and presented to the Board of Governors for their consideration and decision. When viewed from afar, our process is not materially different from those employed by other trial-lawyer groups. But with us, the views of fellow Barristers are the most critical components, and those are based on firsthand experience.

As with those other trial-lawyer groups, the reduction in the number of trials and the increased use of arbitration, particularly in connection with business disputes, has generated pressures to change (i.e., relax) the criteria for membership. In general, the argument for reducing the number of trials required for membership and for counting participation in other forms of dispute resolution as the equivalent of trials is that if the organization does not do so, it will not be able to find enough candidates with which to fill its ranks. Our Board most recently addressed these questions at the 2010 Annual Meeting. The resolution adopted at the meeting was as follows:

*A. The International Society of Barristers has been and should continue to be an organization comprised of elite trial lawyers. There are other organizations which recognize and celebrate excellence in many aspects of the practice of law. Fine people who have outstanding practices and who are well regarded as leaders in the organized Bar may be members of those other organizations. But to be considered for Fellowship in the Barristers, the person must be a trial lawyer—a person "outstanding in the field of advocacy."*

*B. Defining the attributes that qualify a nominee as "outstanding in the field of advocacy" is a knotty problem. It is not possible to articulate a clear, bright-line definition. Every election decision will depend on context. Nevertheless, we assert the following propositions:*

*(1) We believe there are many people trying cases.*

*(2) We should select people who, in the present, are actively trying cases. In reaching a decision as to a nominee's suitability for Fellowship, we will scrutinize the entire body of work of the nominee, with emphasis on the most recent years of practice. Clearly, we want lawyers who regularly advocate the rights of their clients in a courtroom setting where the skills of advocacy are practiced and demonstrated.*

*(3) We need to work harder to identify younger lawyers, in their 40s and 50s.*

*(4) With regard to advocacy experience, jury trials are the preferred credential. Bench trials carry less weight than jury trials. Arbitrations of significant duration and involving complex matters in the adversary system are acceptable, but only if the nominee has also had experience as a jury trial lawyer.*

*(5) Mediations or other results from settlements are irrelevant.*

No one seriously doubts that there are fewer civil trials today than there were twenty or even ten years ago. The statistics and our

own personal observations confirm it. However, “fewer” does not mean “none.” Our existing members are still actively trying cases. When that no longer is true, they become Emeritus Fellows. But most importantly, it is true of our new members. To a very large extent, our members have been nominating only lawyers who are in the elite category and who are outstanding in the field of advocacy, criteria which are best applied from personal experience.

The validation of our process comes at every annual meeting or anytime Fellows encounter one another in court or in some other context. Just as Gladwell describes it, an “elite” trial lawyer knows immediately whether the other is as well. The instantaneous recognition of a fellow traveler and the realization that the group is comprised entirely of such people generally produces a pretty remarkable result—a feeling that one is among one’s peers, that it is a group where the person simply “fits.” That type of instantaneous recognition and feeling was recently discussed by the Stanford football coach in describing why he bristles at the suggestion that “maintaining” a successful football program at Stanford cannot be done:

“It implies that it’s just too hard, that you can’t keep finding good players who get good grades. But they’re out there. And most of them are being groomed for a place like this. They just haven’t seen it yet.”

Once they visit the Farm (as Stanford’s campus is known); once they stroll under its palm trees and feel the kiss of the sun; once they realize they are among their peers—gifted young adults with superlative transcripts and killer test scores—an epiphany often takes place, says [the coach]: “They realize, wow, this is where I fit.”<sup>2</sup>

It is this ability to instantly recognize a fellow traveler that also allows us (1) to continue to embrace the rule (Conventions of the

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2. Austin Murphy, *Waiting for the Hate*, SPORTS ILLUSTRATED, Nov. 4, 2013, at 49.



Convention) that self-promotion in any form is forbidden, and (2) to create an atmosphere where trial lawyers can safely relax and recover from the stresses and strains that come from life in the courtroom. Because you know you are with your peers, there is no need to explain the stresses in your life, nor to prove yourself to anyone. Instead, assisted by an ever-changing mix of speakers who themselves have excelled in a wide variety of careers, you can focus on other things that are important and that help make your life rich and rewarding. You can safely put aside for a time all that goes with a rigorous and active trial practice.

In my view, we should continue to embrace the idea that the International Society of Barristers is not an organization for everyone. It is not for those who used to try cases and try them well, but are not actively doing so at the time they are being considered for nomination. As one of our founders once said, we do not pin medals on retired generals. Nor is membership for someone who may try a lot of cases, but whose advocacy skills are not outstanding. Finally, it is not for the “elite” trial lawyer who is the first to tell you he or she is outstanding in the field of advocacy—and then remind you of it ten minutes later, just in case you forgot. Some really good trial lawyers just have a constant need to promote themselves. The Barristers is an organization for outstanding, active, trial lawyers who are comfortable in their own skin.

What we must remember is that the people for whom this organization was initially created and fostered over time will know instantly, and, in the words of Malcolm Gladwell, “without knowing why [they] know” whether new or existing Fellows are “elite trial lawyers.” To the extent that we continue to refresh our ranks with only those lawyers who are “outstanding in the field of advocacy,” we will have maintained and nurtured a truly remarkable organization. Were we to “relax” our standards, we would have taken the real magic out of the group. And if we were to do so, it would be an open question whether those who are “outstanding in the field of advocacy” would continue to make coming to our annual

meetings and nominating fellow travelers for membership a priority for their time and effort. For at that point there not only would not be any apparent difference in our nominating process, there would not be any actual difference in our membership.

Rick Martson

**MARIETTA S. ROBINSON**

**WASHINGTON, DISTRICT OF COLUMBIA  
PRESIDENT 2010**

*The Barristers Fiftieth Anniversary*

I became a Fellow of the ISOB in 2000; served as the first and, for several years, only woman Board member; and served as the first woman President in 2010–2011. But my history with the Barristers goes back many years before 2000, because my late husband, Jim Robinson, who was eight years my senior and a renowned litigator, was a Fellow long before I, and I attended the annual meetings as his spouse.

A successful woman litigator was extremely rare when I entered the legal profession in 1978, and those who did exist were often viewed as somehow suspect. Today, there are so many incredibly accomplished and well-respected women litigators and judges that it is hard to believe that it was commonplace, in my early years of practice, to hear it widely proclaimed, even by federal judges, that women did not belong in the courtroom. The reasoning behind that view, as expressed to me very confidently by several male litigators, was that juries are predominantly women, women do not like women, and, thus, a woman lawyer could never succeed in a courtroom.

As I started trying jury cases, I found that, quite contrary to the common “wisdom,” I had several distinct advantages as a woman:

1. I was an oddity, so the jury paid attention to me and, most importantly, to what I had to say, which is always a challenge for a lawyer in a long trial.
2. There was an added credibility attributed to me as a woman. (Remember, these were the early days of women appearing in

the courtroom and before there were nefarious and conniving depictions of them in movies and on television.)

3. Women jurors, once they knew that you were not going to embarrass them, that you were more prepared than your adversary, and that you had a sense of humor, really responded to a strong woman in a very positive way.

However, there appeared to be one advantage that men had going in, one they would never admit to a woman lawyer: women members of their juries often developed crushes on them. I had watched it happen and was frustrated by it. It had not occurred to me that that could happen in reverse. But it could, and did, in a trial I had just completed before I attended my first ISOB annual meeting as a young lawyer.

I arrived late for dinner that first evening and came bombing into the restaurant, where a large group of Barristers and their wives were already seated. I was full of high energy and bubbling over with things to say. The only empty chair was across from Craig Spangenberg, whom I was meeting for the first time. Craig was a founder of the ISOB, much older, and a very large, imposing presence. By that point in the evening, Jim had told people about my verdict. Craig congratulated me and then just sat back in his chair, listening, as I started talking. I looked at this revered trial lawyer with his large hearing aids and inscrutable, serious face, thought what his prejudices about me probably were, but plunged in anyway.

The most amusing story I needed to share that evening with the group started with my telling them how many times I had been told that women did not belong in the courtroom because, I'd been told, women serve on juries and women do not like women. And I told them of my observation over the years of the male attorneys' advantage of female jurors often developing a crush on them. And yet, I confessed, the unheard-of had just happened to me: a male juror in the trial I had just completed had developed a crush on me.

He had waited for me at the top of the escalator every morning. I had smiled, but, of course, not spoken to him. And I had had to ask the judge, on several occasions, to remind the jurors that we, as lawyers, are not allowed to speak to them, that we do not mean to be rude, and so forth. I found that wonderfully amusing.

Craig Spangenberg let me finish and, then, very slowly, and with his marvelous, deep voice said, "Marti, whenever I tried a case, I always picked out one woman on the jury at the very beginning. And, each morning, as I came into the courtroom, I would fix my eyes on her and I would say to her with my eyes, 'Madam, but for the circumstances, I would like to bed you down.'" There was much uproarious laughter around the table, but, with those two sentences, Craig Spangenberg, one of the most well-respected lawyers in the nation, let me know that I was a member of the club, with no holds barred.

Jim and I were members of many lawyers' organizations. The ISOB is the only one in which we both chose to be very active. It is comprised of individuals who are chosen carefully for their skills, their integrity, and their delightful personalities. Over time, however, I have come to appreciate another quality of many members of the Barristers.

Over these many years, several of our Fellows and their spouses, including my Jim, became ill and knew that their time on earth was coming to a close. And I have watched these individuals struggle to make it one last time to a meeting of the Barristers, often visibly weak. The reasons for making that effort vary, of course, but certainly one is simply the marvelous, deep friendships they have formed. But I also believe that these wonderful individuals recognized that their lifetime devotion to the rule of law in this country, whether as a lawyer or as support for one, was a huge part of their knowing that they were part of something so much bigger than themselves. And being a Fellow in the Barristers was an acknowledgement of that contribution.

And, on such occasions, I have watched as the rest of us acknowledge in our eyes that the friend amongst us, whom we love and respect so much, does not have long left on this earth. We know that who they were when they were with this group was a large part of how they viewed themselves. And so I have watched what we do when one of our own is clearly entering the home stretch. We reminisce, we laugh, we hug, we smile, we watch the gloaming come, and we give them a place where, for one last time, they can be the energetic participants in life they always were.

This is an organization that starts with the bigger purpose of making our society better and extends to the smaller purpose of the human touch.

Marti Robinson

**J. GRAHAM HILL**

**HOUSTON, TEXAS  
PRESIDENT 2011**

*Welcoming Remarks at the 2012 Convention*

Welcome to The Pelican Hill Resort. By my count, this is the 47th meeting of the International Society of Barristers.

When Lindy and I first came to Pelican Hill, the golf courses and club house were here, but otherwise the resort was under construction. We were taken on a hard-hat tour. We were impressed with the perfect weather, the ocean, the staff, and the owner's vision for this special property. Although this was a construction zone, we had a feeling Pelican Hill would be a perfect place for the Barristers to gather in 2012.

Pelican Hill is everything we hoped it would become, and more. It is elegant and relaxed. All activities are on site or are very close. You will experience great service and food. Condé Nast has ranked Pelican Hill the #1 Golf Resort in the U.S. for 2012 and we agree.

We are the first big group to have a meeting here, and we were offered this wonderful property at a great value.

We hope you are pleased with your gorgeous rooms, last night's incredible dinner, this morning's amazing breakfast. We are confident you will enjoy Tuesday's Italian dinner at the Coliseum pool with unique entertainment (synchronized swimmers). We have arranged an elegant dinner for Friday night, topped off by an amazing dance band.

The pool, beach, spa, health club, tennis, golf, fishing, horseback riding are all here for your enjoyment. The 950 resort staff members have one simple request: if you want anything, just ask—they are your genies.

We will induct 58 new Barristers today, a record. We have all heard and read about the vanishing jury trial. Some have predicted

that trial-lawyer organizations such as ours will go into decline or be forced to relax their admission standards.

The Barristers remain committed to the proposition that we are an organization comprised of elite trial lawyers. Our class of 2012 proves that there are lawyers still trying jury cases. All of our new initiates have extensive court trial experience and are held in the highest regard by their local judges and colleagues. They have demonstrated the highest degree of professionalism, skill, and ethics through their careers. They are the best of the best.

In addition, they are our kind of people. As we all know, congeniality and humility are every bit as important to our organization as courtroom skill and success.

The membership process is 100% member driven. A person cannot apply for membership. I want to thank you for identifying and recruiting these outstanding new members. This is a result of a tremendous effort by state chairs, the Board, the officers, the national membership chair, and our entire membership.

One of our goals is to continue to get younger as an organization. Twenty-five percent of our new members are in their 40s and half are under the age of 55. Another goal is to continue to diversify our group—more women, lawyers of color, international trial lawyers. It is critical that the Barristers reflect the face of our profession in the 21st century.

We are the first honorary trial organization to elect a female president, and she will not be the last. Twenty percent of our boards are currently women. We will continue to improve in this area. At Sunday's Board meeting, we reviewed the proposed nominations. Almost half of the nominees were women, and they were extremely well qualified for membership. I am confident that we will continue to add outstanding women to our membership rolls.

We still have work to do. We are committed and moving in the right direction.

Eleven Past Presidents are here this week. Thank you for coming. Your support and counsel is invaluable. You serve as



constant reminders of who we need to be to remain true to our founders' vision. Past President Jack Liber will outline for us this morning our "convention conventions." It is a presentation I look forward to hearing every year, and you will enjoy it as well.

To our 58 New Members and their spouses, you will get a lot of attention this week. You will feel very welcome, you will have a positive experience, and you will want to return next year. I promise you that if you return, you will be hooked. If you choose to be "one and done," to use a college-basketball analogy, you will miss an opportunity to make some terrific lifelong friends from all over the world.

If you are fairly new to Barristers, be proactive this week. Introduce yourselves. Ask people to join you for dinner, a drink. People may assume you are booked up for the week, so do not be shy. This is an opportunity to make new friends and deepen relationships.

Lindy and I have absolutely loved working with this year's program chairs, Jim and Dana Bartimus. We have become extremely close and have had a lot of fun planning this week. Jim has an amazing line up of speakers and afternoon optional activities. I plan on sitting back and enjoying every minute of Jim's program with you. JB, the floor is yours.

Graham Hill

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**MICHAEL A. KELLY**

**SAN FRANCISCO, CALIFORNIA  
PRESIDENT 2012**

I will always remember my very first Barristers meeting. It was at the Hualala'i resort in Hawaii. Because of a conflict with our youngest daughter's school, my wife, Trish, was unable to accompany me. As it turned out, I was the only new member that year who walked down the aisle alone to accept his pewter cup without a partner, guest, or spouse alongside. I recall making a joke about San Francisco, its cosmopolitan nature, its reputation for openness in relationships, and my willingness to bunk that night with any of the other new inductees.

Even more than my solo introduction and induction, though, I remember listening to Joel Boyden of Michigan as he gave the group's annual opening lecture, the "Conventions of the Convention." No one knew at the time that it would be the last time Boyden would give the opening address, falling victim to cancer in the following year.

Joel Boyden was a big man, with a big personality and a voice that seemed as though it came out of movie serials or radio broadcasts of the 1950s. His command over the audience was spellbinding. I listened intently to each word of each sentence, as he talked about the uniqueness of the Barristers, its purposes, philosophy, history, and code of conduct at its annual meetings. Even today I can see myself sitting on the far right-hand side of the meeting room, in the front row, telling myself, "I am so lucky to be in this group."

Within minutes of the conclusion of the presentation, I was on the phone to my wife back in San Francisco, telling her how much I wished she had been there because this group was different. Unlike other honorary groups and associations we had been invited to, this one had a purpose other than providing a platform for lawyers who

wanted to be seen and paid homage to. This group was interested in who you were, as opposed to what you had done. Most importantly, the annual meeting centered on entertaining the couple, not the lawyer-member.

Following Joel Boyden's remarks was a presentation by Professor John Craven. Craven had the look of a mad scientist, with just a dash of the Nutty Professor and a sprinkle of Prof. Irwin Corey. But Craven was the real deal, and incredibly fascinating.

While working for the Navy, he pioneered search techniques to locate objects lost at sea. His work included finding a missing hydrogen bomb that had been lost in the Mediterranean Sea, and the wreckage of the USS Scorpion submarine, which had disappeared in the Atlantic Ocean west of Spain. He was later appointed as the Project Manager for the Navy's Polaris submarine program, and ultimately became the Chief Scientist for the Navy's "Special Projects" Office.

But what was most fascinating to me about Craven was that he was involved in the CIA's recovery of a sunken Russian nuclear sub, which was carrying the latest iteration of their underwater technology as well as Soviet nuclear warheads. In order to carry out the secret recovery operation, he partnered with Howard Hughes in designing and building a one-of-a-kind salvage ship called the "Glomar Explorer." As luck would have it, in 1976 I had worked for a firm that represented the heirs of a crew member who had died aboard the Glomar Explorer, and I likely knew more about the project than anyone in the room, save the speaker. Listening to the story of this secret government project, which had taken place thirty-five years earlier, hooked me on Barrister meetings. Boyden was right: these were not the typical CLE program. These meetings were interesting, if not totally cool!

My first Barrister meeting is also where I had my introduction to the Barristers' annual golf tournament. Through the years, golf and tennis have been popular pastimes for Barristers and their guests. Although I own a set of golf clubs, as of 1999, when I was

inducted, I probably played once a year. Thinking that I would maximize my participation in the convention, I signed up for the annual tournament. Whether by fate, or the nefarious scheming of the golf chair, I ended up in a cart with the perennial champion, Con Keating of Omaha, Nebraska. Con was a former president of the society, and I had met him and his wife Barb earlier in the week. I was unaware that Con had a handicap of 2 (mine was 32) or that he won the event every year.

Playing with a set of rented clubs on the incredibly challenging Hualala'i course, I sliced, hooked, bogeyed, and double-bogeyed my way to a score of 106. Con shot 72. At the end of the round, he looked at me and said, "I think you should buy those clubs, they suit your game." Needless to say, I have made sure to spare him a repeat of that ordeal every year since.

In the ensuing years, I had the opportunity to develop friendships with literally hundreds of lawyers from across the country in a host of various legal-specialty areas. What we had in common was that when in the courtroom we were 100% focused of the cause of our client. When we weren't, we were 100% committed to trying to make our communities and our court systems better places.

Consistent with the Barristers' philosophy of not seeking elected office, I did my best to be irreverent, incorrigible, occasionally intoxicated, and always uninterested in the organization's governance. In spite of this, in 2003 I was honored by selection to the Board of Governors, and at the summer board meeting in 2009, in La Jolla, California, I was honored with nomination to the position of secretary-treasurer, the office that begins the progression through the chairs. To this day, it's still unclear how all that happened.

I thought then, and I still think now, that nomination to office in the Society was one of the greatest honors I have received as a practicing lawyer. I have tremendous regard for those who have served the organization as its president, keeping it on course and in

line with the philosophy and principles articulated by the four men who founded the group in 1965. I consider myself particularly blessed to have become friends with and to have shared time with four past presidents who have now have left us: David Nixon, Gene Mac Winburn, Jack Liber, and Dick Day.

The toughest part of being in the line of succession for serving as president is the requirement to serve as program chair while secretary-treasurer. I had the opportunity to serve as program chair in 2010 for President Rick Martson and his wife Debbie. They were consummate Barristers, wholly focused on making sure the annual meeting was fun, affordable, and unique. One of Debbie's special touches was an off-site evening banquet graced by alligators and giant snakes, accompanied by their trainers, of course.

Rick and Debbie had selected the 4-Diamond, award-winning Ponta Vedra Inn and Club in Florida as our destination. The property had just undergone a major renovation and sparkled like a jewel sitting alongside the ocean. The resort guaranteed all attendees an ocean-view room, and 90% of the rooms opened onto the beach. The tennis club was ranked number two in the country, and the two golf courses on the property were impeccably maintained and challenging for experienced and amateur players alike.

During the preceding year, the Board of Governors had begun to discuss with our beloved administrative secretary, John Reed, his desire to slow down a bit after thirty-five years on the job. After three or four years of John's resurrecting this request, the Board of Governors finally took action to acquiesce to his request and appoint a successor.

The meeting at Ponta Vedra began a period of transition from John's administration to that of Don Beskind, a member of the Society and a well-liked trial lawyer from North Carolina, who had recently accepted a position on the faculty at Duke University Law School. In light of that historic change, I concocted the idea of putting together a biographical tribute to John on video. It was a great adventure. I traveled to Ann Arbor with a film crew and with Marti

Robinson in tow, and while sitting in the University of Michigan law library, traced the history of the Barristers with John as our guide. Later we interviewed past presidents for their insight and thoughts about John's leadership as the moral compass of the Society. Finally, at the 2010 meeting in Ponta Vedra, we feted John with "John Reed Week," complete with lapel buttons, banners, and the tribute video. John's wife Dot and his three daughters were all present to join in the celebration. It was a memorable week of fun.

Having served as program chair in Ponte Vedra, I thought I was out of the woods. But then began the chore of trying to decide where we would meet during my presidential year of 2013. It seemed as though each year's convention site had been better than the last, and all the good places had been taken. Picking a spot for the annual meeting was not a task I relished or welcomed. In fact, as I recall, we ultimately waited until the very last minute to select a property. I had thought Las Vegas would be fun, but Trish thought it would be too busy and we might lose people during the week to the temptations of sin city. Then I thought perhaps we could sneak into Cuba, which was still not open to US travel—but the idea of a group of lawyers violating the law for their annual meeting had little traction. At that point, recognizing that I was much better at practicing law than selecting places for conventions, I prevailed upon my wife, Trish, and my eldest daughter, Carolyn, to carry out the search for an appropriate location.

Our thinking was that we would put the "international" back in the International Society of Barristers. During my years of attending the annual meetings of the society, we had ventured outside the United States only once, to the Caribbean island of Nevis, for the meeting chaired by Mike Bromberg of New Jersey.

As native Californians, we regularly traveled to Mexico, and in particular, the Baja Peninsula. Although the East Coast or the Caribbean was the location in the "rotation" of possible locations to have the 2013 meeting, we received a dispensation and were permitted to stay (more or less) on the West Coast, at the beautiful

Four Seasons Punta Mita resort, north of Puerto Vallarta.

Rut and Noel Liles were our program chairs and made a great team. Their commitment and talents were especially welcome when Trish became ill one month before the meeting and was unable to attend the convention. With Trish sidelined due to illness, my children, their spouses, and my grandchildren pitched in to aid me as co-hosts. I will always be indebted to my kids—Carolyn, Sean, Conor and Monica—for filling in so ably for their mom. Rut and Noel organized a terrific program. The rooms, food, amenities, and location were better than we had hoped for. The weather was sunny and warm. The speakers Rut selected were outstanding, right up to the final Tequila tasting provided courtesy of José Cuervo. Though some of the senior members expressed fear about traveling to Mexico, I'm happy to report that no Barristers were kidnapped or taken hostage by drug cartels, although many avocados were injured in the making of guacamole.

From Maine to Minneapolis, Chicago to Miami, Phoenix to Great Falls, Seattle to New Orleans, the Barristers have given us the opportunity to meet great people and make treasured friendships. We look forward eagerly each year to the annual encampment as an opportunity to renew our spirits, catch up with those we have met during the years, and spend time with new members who bring energy, perspectives, and ideas. And occasionally, I still get the chance to dust off a set a rental clubs and shoot a 106.

It has been seventeen years since my open-mouthed, starry-eyed paralysis while listening to Joel Boyden. I can honestly say that the Barristers lives up to what it promises. There is no finer group of people, let alone lawyers, that I am privileged to be a member of.



## FIFTY YEARS . . . AND COUNTING

### I THE EARLY DAYS

**Craig Spangenberg**

*Anyone seeking to know the character of the International Society of Barristers must begin with a reading of "The Early Days," an essay by Craig Spangenberg, the Society's first president. Mr. Spangenberg was present at the Society's founding and helped set its course. Here is that essay:<sup>1</sup>*

Some fifteen years ago a few trial lawyers were philosophizing, at the end of a day's convention meetings, on the fragmentation and antagonisms in their field of the profession. From that talk John Alan Appleman derived an idea for a different kind of trial lawyers' fellowship that might illuminate and refurbish some old, and valid, but near-forgotten ideals. He pursued it with further discussions, correspondence, and phone calls among his friends, until the International Society of Barristers was born. This is a brief history of the early days of the Society, set down before the clouds of time obscure all memory.

The founders—John Appleman, John Gearin, Murray Sams, and Craig Spangenberg—all held the profound belief that the art and the skills of advocacy are universal, not limited to any narrow specialty field, and the further belief that an independent, courageous, and unfettered trial bar is just as essential to the preservation of individual rights as the Bill of Rights and the independent judicial branch of government.

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1. 15 INTERNATIONAL SOCIETY OF BARRISTERS QUARTERLY 285 (1980).

Rights do not exist in a vacuum, nor on a yellowed sheet of parchment. They exist only if they can be enforced. Enforcement depends on the existence of institutions with the authority to make adjudicative decisions and the power to enforce them. The trust of the people, needed to support the adjudicative institution, depends on the quality of the adjudication. Judgments must have not merely the appearance of justice, but the substance of justice.

We were all believers in the adversary system in which we lived and worked. We were all believers in the jury system, with its principle of a group decision made by representatives of the community at large, after careful evaluation of the best evidence and best arguments of every side of the controversy—but that system cannot work unless each party to the controversy has full representation by able and competent counsel. A fair trial requires reasonably equal representation.

These beliefs are the basis for those purposes of the Society set forth in Article III of its Articles of Incorporation:

2. To encourage, by example and otherwise, the entry of younger lawyers into the specialty of advocacy;
3. To encourage the continuation of advocacy under the adversary system;
4. To assist advocates in the perfection of the techniques of advocacy;
5. To encourage the retention of trial by jury in litigated matters and to resist its usurpation by lay arbitrators and government tribunals which fail to guarantee the basic rights of citizens.

These principles, alone, would not have justified the creation of the Barristers. There were a great number of trial lawyers' associations in 1965 which were pledged to encourage advocacy and the preservation of the adversary system—as a matter of self-interest, if nothing else. What was disturbing to the founders of the Society was the misconception that an adversary system was an

antagonist system, in which the clash of ideas had to be matched by a clash of personalities. This may have been a concomitant of the growing division of the bar into subspecialties. There were national groups, sections, or organizations of insurance counsel, railroad counsel, aviation, admiralty, and antitrust counsel, plaintiffs' lawyers and defense lawyers, prosecutors and criminal defense lawyers, and activist groups promoting legislative changes to benefit the claimant, or the defendant, or the insurer[,] as the self-interest might be.

As the groupings of trial lawyers became narrower and narrower, there was an unfortunate tendency of the leadership in some of the groups to become equally narrow in outlook. It became the commonplace to hear a collection of horror tales as to how reprehensible a trial lawyer, on the other side, had been. The traditional brotherhood of the trial bar was becoming patterned after the brotherhood of Cain and Abel.

The public is not trained to differentiate among the splintered fragments of the bar, so that strident denunciation of one lawyer or one group of lawyers is likely to be perceived in the community as denunciation of all lawyers. There was a need, the founders believed, for trial lawyers to embrace their common ground, their common ideals, rather than their differences. The essential difference between the International Society of Barristers and all other associations of trial lawyers lies in paragraph 8 of Article III of the Articles of Incorporation:

8. To abolish any animosity between counsel representing plaintiffs and defendants, and to produce a recognition that all trial lawyers are advocates fully representing the rights of all clients.

It may be surprising, to our newer and younger members, to learn how much animosity was produced by the creation of the International Society of Barristers. It was, of course, an honorary Society designed "to honor the great advocates of this era in our legal

profession.” Membership was limited to trial lawyers who were regarded as truly outstanding in the field of advocacy. There are two other major societies designed to honor distinguished advocates, The American College of Trial Lawyers and The International Academy of Trial Lawyers. Both organizations had reason to be proud of their membership and standing, but unfortunately, both organizations had men in leadership positions who felt that their particular organization should have the exclusive right to honor good trial lawyers. Some of the leaders in both organizations advised their members that it would be a disservice to their prior group to join the new society. Great credit is due to our early members, and our first Board of Directors, for ignoring that advice and resisting the pressure. One of our first state chairmen wrote to John Appleman reporting the pressure he felt from the College, and said that he would have to resign if there were any real conflict between the College and the Society. Appleman wrote a brilliant reply, saying that there could not conceivably be a conflict inasmuch as the College was not dedicated to discouraging advocacy, obstructing the entry of young lawyers into the specialty of trial, diminishing the skills of trial persuasion, abandoning the adversary system, and abolishing jury trial. This argument convinced Stanley Burns, and he became one of the first Directors.

Choosing a name for the new group was difficult. The American College of Trial Lawyers claimed that it had the exclusive right, under the law of trade names and unfair competition, to the combination of “American” and “Trial Lawyers.” Indeed, in one of the more bizarre and misguided cases in American jurisprudence, the American College of Trial Lawyers had sued to enjoin the American Trial Lawyers Association from calling itself “American” and “Trial Lawyers.” The case was settled by a name change to “The Association of Trial Lawyers of America.” With that background it was obvious we could not risk the offense of calling ourselves “Trial Lawyers,” nor could we be “Advocates” without offending the National Board of

Trial Advocates. We decided it would be least likely to produce dissension if we called ourselves "Barristers." It would be an anomaly to have American or United States Barristers so we almost had to be International Barristers, at the risk of distressing our British brethren. Finally, we became a "Society" because "College," "Academy," "Board," "Institute," and "Federation" were words already in use.

As the sensitive, perceptive, and highly intelligent reader of this *Quarterly* will have already deduced, that word "International" in the name did produce some resentment in the International Academy of Trial Lawyers, the more so because they believed they were smaller and more selective than the College, and were less partisan, or more bi-partisan, than the College.

Those of us who were Fellows of the Academy observed, in quiet meetings with Academy leadership, that the Academy was indeed bi-partisan. It had, at that time, an unwritten custom that it would structure its membership with 60% plaintiffs' lawyers and 40% defense lawyers. However, to prove its impartiality, it arranged to alternate the presidency every year between a plaintiffs' civil trial specialist and a defense civil trial specialist. This distinguished the Academy from the College, which had only a token percentage of plaintiffs' counsel and had never elected one to top office.

The Society did not intend to be partisan, but it did not intend to be bi-partisan either. We were determined to be all-partisan, and that is more than a distinction. It is a major difference. A Fellow of the Society does not think of his brothers as plaintiffs' lawyers or defense lawyers or civil lawyers or criminal lawyers. We are simply trial lawyers. We do not rotate offices to create an artificial "balance." There is nothing to balance. Indeed, so far as I can see, no one ever runs for office. That, too, is a difference. It should be added here, with due credit to the College and the Academy, that within two years they had reversed their early positions. Coexistence is now peaceful.

There are other differences, or distinctions. One of the most important criteria for the admission of new Fellows is that the lawyer chosen must be one actively engaged in the personal conduct of controverted litigation. We seek out the warriors on the battlefields of the law, not the retired generals. Membership is not bestowed in recognition of having been a great lawyer, nor to honor the ability to sit in the office, acquire clients, and manage a top-flight trial department. We want the best person in the trial department—if he or she has time to join.

One of the controversial membership requirements was that the practitioner must have an “av” rating in Martindale-Hubbell. It does sound odd that a group of lawyers would allow an outside agency to assert selective control over admissions. In defense of the system it should be observed that the Martindale ratings are produced by polling other lawyers, and considerable reliance can be placed on the ethical ratings given by fellow practitioners. However, nobody is perfect. We realized that in some areas local jealousies and insider cliques could deny an “av” rating to a worthy and deserving lawyer, so the founders built in an escape clause. The rating requirement can be waived by two-thirds of the Board of Governors.

There is one respect in which the plans of the founders utterly failed. A cardinal principle of the Society was that it need never have a convention. In 1965, as in 1980, there were simply too many meetings. Every organization meets in annual conventions, winter or summer, and many of them meet semi-annually in mid-winter or mid-summer, plus quarterly regionals, plus more meetings within other conventions. The International Society of Barristers was founded with the high-minded ideal that we would never meet at all—except on rare occasions when the public welfare might be served by an attention-arresting seminar on a subject of pressing national importance. The first such seminar was held in Chicago, in June of 1966, under the leadership of the second President, Murray Sams. The subject was “Air Crashes and Air Safety.” Those

proceedings are recorded in one of the early *Quarterlies* (Vol. 2, No. 4) and will not be summarized here. A panel of distinguished experts was assembled, to discuss safety recommendations urgently needed to reduce loss of life in air transport. It did some good. We were not alone of course, in urging changes. Many other groups were equally concerned—but our work did help.

In order to promote the seminar, President Sams with the concurrence of the Board called the first meeting, or convention, of the Society. Most of the early membership attended. They thoroughly enjoyed each others' company. Murray Sams, attempting to analyze why there was such harmonious and happy good fellowship, was later to write,

It finally occurred to me that the real reason for the superlative quality of this meeting was the simple fact that here was assembled a group of top flight trial lawyers who had achieved a position in our legal society that made it totally unnecessary for any one of them to do anything that even suggested personal aggrandizement. . . . The International Society has become an organization unique in the annals of legal history.

It still is—but now it meets. The Fellows at the Chicago meeting were so delighted to be with their brothers that they amended the bylaws to provide for regular meetings. Out of some lingering respect for the wishes of the founders, however, the Fellows decided to meet every year-and-a-half. This meant they would conflict with other groups in a winter meeting, and then conflict eighteen months later with different groups in a summer meeting.

That plan did not last long. The meetings were so warm and rewarding in friendships formed that annual meetings became the rule. So much for asceticism. This founder readily concedes that the membership was right. One meeting a year now seems hardly

enough.

The early growth of the Society was deliberately slow. We selected state chairmen to solicit limited memberships, in order to rely on intimate local knowledge. The chairmen followed the rule that membership was not to be offered simply to reward friendship, nor to serve as a mutual case-referral service. Quality was the essence, and in case of doubt, it was better to delay the invitation to a potentially good member rather than risk starting out with a weak one. Within a few months there was a national base of sixty-five Fellows, and within a year nearly 200. Growth has continued ever since, without change in the selection criteria, and without a single regret.

No group ever had a better beginning Board of Directors than Maxwell Badgley of Michigan, Paul Berman of Maryland, Horace Brown of New Jersey, Stanley Burns of New Hampshire, Donald Comer of Minnesota, Donald Farage of Pennsylvania, John Gearin of Oregon, John Frank of Kansas, Marshall Miller of Washington, D.C., Hugh Miracle of Washington State, Murray Sams of Florida, Arch Schoch of North Carolina, Craig Spangenberg of Ohio, Chester Thompson of Illinois, and Joe Tonahill of Texas. About half of these men of 1965 have passed on, but their reputations have survived them and their work remains. They played the major role in creating the early membership of the Society and in shaping its future path. All were active in other organizations, and remained so. That points up another distinction—the International Society of Barristers is not an activist organization, but its members give unstinting effort to the improvement of the service of justice to the people, in commission after commission and committee after committee. There is no lack of opportunity to serve for those who are willing to meet their obligations to the profession which nurtures them.

One final distinction should be recorded: The founders had enough wisdom, and self-discipline, to keep their hands off the controls of the organization they started. Not one ever attempted to



create a permanent office, or domineer the development of the Society. They gave the fellowship the right to a life of its own. As a result, the Society has always been vibrant with the strength of its new membership, new Governors, and new officers. The fact that the International Society of Barristers has remained faithful to its early beliefs is a tribute, not to the founders, but to the validity of those ideals. And it has worked. Look around you—isn't there less narrowness, less bigotry, more openness, more arm-in-arm cooperative effort for the common good in the trial bar today?

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## II THE EARLY DAYS: AN APPLEMAN ADDENDUM

Craig Spangenberg's essay makes the critical point that the Barristers Society arose out of the founders' vision of a fellowship of advocates chosen for their excellence without regard to the kinds of clients they represented. He did not point out the interesting fact, however, that the four who were its nucleus were in microcosm a foretaste of what the Society was intended to be and has become. As mentioned in the Spangenberg essay, they were John Alan Appleman, John Gordon Gearin, Murray Sams, and Craig Spangenberg. They were geographically diverse, from Illinois, Oregon, Florida, and Ohio, respectively. But more importantly, each was strongly identified with his species of practice, yet each was prepared to band together in celebration of the craft and art of advocacy without regard to the general interests of his clients.

Appleman and Gearin were prominent members of the defense bar, while Sams and Spangenberg were nationally recognized as eminent plaintiffs' lawyers. No foursome could have been a better model for their vision of an association of lawyers committed to excellence and honor in advocacy without regard to plaintiff-defendant divisions.

All Fellows know of Craig Spangenberg; he was the Society's first president and its guiding light for three decades. John Appleman, on the other hand, has undeservedly faded from our consciousness. He was a persuasive advocate and a prolific author. At the time of the birth of the Barristers, he was a leading figure in the Federation of Insurance Counsel, having served as its president, had been Dean of the International Academy of Trial Lawyers, and was author at a young age of the leading work on insurance law (*Insurance Law and Practice, with Forms*<sup>2</sup>). He supervised tort

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2. JOHN ALAN APPLEMAN, *INSURANCE LAW AND PRACTICE, WITH FORMS* (1941). This treatise, through multiple editions, been in print ever since.

litigation for State Farm Insurance Company in thirty-eight states. That he was so deeply identified with the defense bar lent special force to his strong and repeated insistence on honoring advocacy without regard to the general interests of one's clients.

The record shows that the "idea," the concept, of the Barristers was John Appleman's.<sup>3</sup> He recruited the founders and first members, arranged for the organizational details, created its journal, and paid early expenses out of his own pocket. Unlike Spangenberg and Sams, founders who served as the first presidents, and Gearin, the fourth founder, who served on the first Board, Appleman never held office, because of ill health. But his passion for a fellowship of excellent and independent advocates never faded; it infused the Society and continues to this day.

In short, the concept came from John Alan Appleman, the drive that insured its success was provided by Craig Spangenberg.

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3. For his take on the early days, see John Alan Appleman, *The Origin of the International Society of Barristers*, 9 INTERNATIONAL SOCIETY OF BARRISTERS QUARTERLY 5 (1974).

### III MEMBERSHIP CRITERIA AND SIZE

#### *Criteria*

From those “early days,” the core criteria for election of Fellows<sup>4</sup> have been three-fold: excellence as an advocate, unquestioned integrity, and “amiability of disposition.” Additionally, there are three objective requirements: the nominee must have been in active practice not less than ten years, more than half of the nominee’s professional income must be derived from “controverted causes, with emphasis upon the personal conduct by said advocate of litigation in the courts,” and the nominee must bear an “AV” rating from Martindale-Hubbell. The Board holds frequent, earnest discussions about the meaning and adequacy of the criteria and about whether the Board is applying them faithfully. Excellent younger lawyers with significant trial experience are now harder to find, but they do exist, and the Society is committed to finding them.

In 2003, the position of National Membership Chair was created to improve the thoroughness and efficiency of the membership process. Bill Gray served four years as the initial appointee and has been followed by Mike Worel, Rutledge Liles, and Bill Smith, all greatly improving the nomination process and the quality of the Board’s discussions of nominations.

Nominations come from Fellows, who understand the Society’s demanding criteria, then each nominee is thoroughly vetted by the Board. The administrative secretary writes letters of inquiry to judges believed to be knowledgeable about the nominee’s practice and professional life. Given the care with which nominations are proposed, it is unsurprising that the vast majority of judicial responses are favorable, but some are lavishly so. For example, a few excerpts:

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4. Beginning in 1969, members were designated “Fellows.”

“A star-bright, capable advocate performing at an elite level with style and grace.”

“Stunningly effective. . . . Classy.”

“Enormous talent and trial experience. . . . A paradigm of professionalism, collegiality, and civility.”

“Truly exceptional in every professional way.”

“He is a very good example of what’s right and good in a lawyer.”

“The nominee not only possesses the qualities and virtues sought, he exemplifies them.”

One judge seemed to be attributing miraculous powers to the nominee: “*X* has also been known to heal the blind and crippled.” But the explanation was more mundane: “In a deposition, she questioned a woman suffering from hysterical blindness so thoroughly that the witness jumped from her wheelchair, climbed across the table and advanced upon *X*. *X* simply backed away, calmly ‘letting the record reflect’ that the formerly blind and lame witness was attacking her with a shoe.”

The screening process also requires the state chair to send questionnaires to all Fellows in the jurisdiction. Here again, because of the care taken by the nominators, the responses are overwhelmingly supportive of the nominations, although a few are negative, sometimes creatively so. A favorite: “The nominee is indeed an outstanding trial advocate; his integrity is unquestioned. And if I were told by my doctor that I had only a week to live, I would want to spend it with him—because it would seem like an eternity.”<sup>5</sup>

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5. And then there is the apocryphal one: “He has an ego that would support a much larger talent.”

The National Membership Chair prepares a file consisting of the nominee's resumé, a record of trials, responses of judges and Fellows, and the recommendation of the state chair, and presents it to the Board of Governors for discussion and action.

### *Size*

The size of the Society's membership is a subject of recurring and lively discussion. The notion of bringing together the very best trial advocates counsels limited size. Moreover, the warmth of fellowship at the conventions is enhanced by modest numbers, and many of the most desirable meeting venues cannot accommodate large meetings.

The numbers of Fellows at ten-year intervals have been as follows:

|      | Active | Judicial <sup>6</sup> | Academic <sup>7</sup> | Emeritus |
|------|--------|-----------------------|-----------------------|----------|
| 1965 | 88     |                       |                       |          |
| 1975 | 380    | 24                    |                       | 8        |
| 1985 | 567    | 37                    | 6                     | 39       |
| 1995 | 560    | 41                    | 10                    | 128      |
| 2005 | 655    | 44                    | 10                    | 154      |
| 2015 | 688    | 43                    | 11                    | 128      |

Limiting the Society's size has been discussed at numerous meetings over the years, but the issue failed to make its way into the Board's minutes until 1979, where it was stated, "The Board has had a policy for several years of limiting total membership of the Society to 500 active Fellows." But a motion to set that number as a formal limit failed. Indeed, no limiting proposal has ever passed, not even during the seventeen-percent surge in membership in the Society's

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6. Fellows who go on the bench become Judicial Fellows automatically. Sitting judges are ineligible to be elected Fellows.

7. This category for teachers of advocacy was created in 1978.

fourth decade. Instead, the continuing discussions repeat and repeat the desirability of a relatively limited size, which often results in the election of fewer nominees (and sometimes does not).

In addition to concerns about overall size, issues arise when enthusiastic state chairs propose election of disproportionately large numbers of nominees from their states, leading to an informal, temporary “hold” in those places. (Some will remember Tom Alexander’s emotional insistence that it was dead wrong to put brakes on election of more Texas nominees because, he maintained, Houston had such a large number of outstanding trial lawyers.)

#### *Diversity*

*National:* In the beginning, the term “International” in the Society’s name was merely aspirational, there being only US members; and by the five-year mark, there were only four Canadian Fellows. Currently, there are more than thirty from Canada, and there has been Canadian presence on the Board of Governors almost constantly since the mid-1980s. At present there are ten Fellows from Australia, England, Ireland, Northern Ireland, and Scotland.

*Geographic:* For reasons not entirely clear, the US Barristers membership is slightly weighted toward the mid-continent and the west coast; not many Fellows come from the east coast’s big cities. One intriguing fact about the earliest members is that so many of them were from small and moderate-size towns, often county seats. As the profession has changed, more have been elected from large cities, but there is still a delightful leaven of small-city practitioners.

The Society has never adopted a system of membership proportional to a state’s or region’s population, though it has occasionally slowed the adding of members from states that seemed greatly out of balance with others.

*Racial:* The Barristers Society, like the legal profession at large, is less racially diverse than it should be. There have been and are highly distinguished Hispanic and African-American Fellows, with



some on the Board; but their numbers are disappointingly small. The Board, continuing to address the need, takes no comfort from the fact that other trial lawyers' organizations are similarly situated.

*Gender:* The culture of a male trial bar was in full flower in 1965, a time when women only first began to attend law school in noticeable numbers. As a consequence, every association of trial lawyers had few or no women members at that time; ISOB was no exception. The Barristers' first two women Fellows were elected in 1981, and their number now exceeds forty. Over these last thirty-five years, there have regularly been women on the Board; one has served as president, and another is likely to fill that position shortly. Unsurprisingly, there are no women emeritus Fellows.

#### *The Shadow Membership*

To an extent matched in no other group of lawyers, the spouses of the Fellows are considered an organic part of the organization. Many come to the conventions and attend all program sessions. When new Fellows are inducted, their spouses accompany them and are addressed as part of the Barristers family. The spouses of officers actively assist them in the discharge of their responsibilities, and are occasionally called upon to introduce speakers. The speakers are admonished to take into account that there are intelligent nonlawyers in the audience and shape their presentations accordingly. Because of their steady and thoughtful participation in the affairs of the Society, the spouses are de facto if not de jure Barristers, and they account for much of the warmth and personal pleasure of its meetings.

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## IV MEETINGS

### *Conventions*

*Frequency.* Although the Society has remained deeply faithful to the Founders' commitment to honoring advocacy and not causes, it almost immediately abandoned their plan for an association with rare meetings. The first members, like those today, were not only busy trial lawyers but were also heavily involved in defendants' and plaintiffs' bar groups, and the not-unreasonable assumption was that they would not be willing to add yet more meetings to their crowded calendars. At the first executive committee meeting it was decided to hold meetings only "when they could serve a worthy purpose."

In 1967 the first meeting was held in Chicago, with thirty-seven registrants. The theme, "Air Crashes and Air Safety," was suggested by Murray Sams. There was a vote to meet every eighteen months, so the Society next met in 1969 in Phoenix, to discuss "Highway Safety." A third meeting was held in Puerto Rico only a year later, to consider "No-Fault Automobile Injury Reparation Plans." Although no meeting was held in 1971, a poll of the Fellows revealed a three-to-one preference for annual meetings. So much for the original plan: the 1972 convention in Hawaii began a series of annual meetings uninterrupted in these 43 years since.

*Program Content.* Each Barristers convention offers a balance of presentations by speakers and of social and recreational opportunities. Numerous comments by Fellows elsewhere in this journal make the point strongly that a prime product of the various convention activities is the warm fellowship that contributes so directly to achieving the Society's purposes.

The convention speakers are chosen by that year's secretary-treasurer (as "program chair") in consultation with the president and typically reflect the interests of the chair. The great regard in which the Barristers is held is suggested by the willingness of highly

distinguished individuals to speak without the payment of honoraria—the Society’s protocol from its beginning.

In the early years, the majority of presentations were directed to the advocate’s art and to broad issues in the profession. Over the years, however, the speakers, some of them nonlawyers, have dealt increasingly with a vast range of cultural and scientific issues and inspiring experiences of remarkable individuals. Indeed, it has been suggested that the recent conventions resemble a “Renaissance Week” for trial lawyers. Most of the presentations have been published in the Society’s *Quarterly*; see Section V, *The Quarterly*, below, for a listing of topics that show both the breadth of the convention presentations and their evolution over time.

Indeed, the conventions have become the very heart of the Barristers Society, where the Fellows and their spouses gather to be informed and inspired, to be restored and renewed, and to reaffirm with each other their sense of high calling. And for some who have come to the conventions for many years, there is often likeness to a family reunion.

*Convention Sites.* The selection of a convention site, made three years in advance, is the responsibility of the individual expected to be president that year, with an informal expectation that there will be a three-year rotation of East, West, and Hawaii locations. Because of that rotation, two-thirds of the conventions have been held west (well west) of the Mississippi. With the meetings held in the late winter, warm weather venues are the invariable choice.

For many, simply mentioning the location of a particular convention evokes vivid memories. The conventions have been held in these venues:

- 1967 Sheraton-Chicago Hotel, Chicago, Illinois
- 1969 Arizona Biltmore, Phoenix, Arizona
- 1970 El Conquistador, Las Croabus, Puerto Rico
- 1972 Mauna Kea Beach Resort, Kamuela, Hawaii
- 1973 Acapulco Princess, Acapulco, Mexico

- 1974 Polynesian Village, Lake Buena Vista, Florida
- 1975 Cerromar Beach Hotel, Dorado Beach, Puerto Rico
- 1976 Mauna Kea Beach Resort, Kamuela, Hawaii
- 1977 Canyon Hotel, Palm Springs, California
- 1978 Boca Raton Hotel, Boca Raton, Florida
- 1979 Mauna Kea Beach Resort, Kamuela, Hawaii
- 1980 Mullet Bay Beach Hotel, St. Maarten, Netherland Antilles
- 1981 Wailea Beach Hotel, Wailea, Hawaii
- 1982 Arizona Biltmore, Phoenix, Arizona
- 1983 Marco Beach Resort, Marco Island, Florida
- 1984 Mauna Kea Beach Resort, Kamuela, Hawaii
- 1985 Arizona Biltmore, Phoenix, Arizona
- 1986 Ocean Reef Club, Key Largo, Florida
- 1987 Mauna Kea Beach Resort, Kamuela, Hawaii
- 1988 Westin La Paloma, Tucson, Arizona
- 1989 Ritz-Carlton Naples, Naples, Florida
- 1990 Mauna Kea Beach Resort, Kamuela, Hawaii
- 1991 La Quinta Resort & Club, La Quinta, California
- 1992 Ocean Reef Club, Key Largo, Florida
- 1993 Four Seasons Maui, Wailea, Hawaii
- 1994 The Phoenician, Scottsdale, Arizona
- 1995 Hyatt Dorado Beach Resort, Dorado, Puerto Rico
- 1996 Four Seasons Maui, Wailea, Hawaii
- 1997 Westin La Paloma, Tucson, Arizona
- 1998 Hyatt Regency Grand Cypress, Orlando, Florida
- 1999 Four Seasons Hualala'i, Kailua-Kona, Hawaii
- 2000 Four Seasons Aviara, Carlsbad, California
- 2001 Four Seasons Nevis, Charlestown, Nevis, West Indies
- 2002 Four Seasons Hualala'i, Kailua-Kona, Hawaii
- 2003 La Quinta Resort & Club, La Quinta, California
- 2004 Ritz-Carlton Golf Resort, Naples, Florida
- 2005 Four Seasons Hualala'i, Kailua-Kona, Hawaii
- 2006 Four Seasons Troon North, Scottsdale, Arizona

- 2007 Four Seasons Costa Rica, Peninsula Papagayo, Costa Rica
- 2008 Four Seasons Maui, Wailea, Hawaii
- 2009 Four Seasons Troon North, Scottsdale, Arizona
- 2010 Ponte Vedra Inn & Club, Ponte Vedra Beach, Florida
- 2011 Four Seasons Lana'i at Manele Bay, Lana'i, Hawaii
- 2012 The Resort at Pelican Hill, Newport Coast, California
- 2013 Four Seasons Punta Mita, Punta Mita, Mexico
- 2014 Four Seasons Maui, Wailea, Hawaii
- 2015 Ritz-Carlton Key Biscayne, Key Biscayne, Florida

*Convention Administration.* In the early years, the Society's officers were responsible not only for the program and the ancillary activities, but also for the myriad logistical tasks of holding a convention (and there was often considerable stress on an officer's secretarial assistant). After a time, travel- and meeting-management professionals were retained to advise the officers and to perform those tasks, such as hotel negotiations, member registration, on-site management, final accountings. For more than thirty years, Travel & Transport (and its predecessor, Lincoln Tour and Travel) has served as the Society's convention agent. Four Travel & Transport individuals have contributed enormously to the success of the meetings, notably Wilbur (Bill) Carley (assisted, in true Barrister fashion, by his wife Lucy), Jaynee Fritz, Sandy Krupka, and recently Karin Holmes, each of whom has served the Fellows with great expertise and a warm, personal touch.

#### *Board of Governors Meetings*

The Board of Governors meets twice yearly, once during the Society's annual convention and again during the late summer. It deals with the Society's business affairs and professional concerns, of course, but devotes a major portion of its time to discussing and acting on fellowship nominations. The Society's nominating committee, consisting of the past presidents in attendance, meets

separately and submits a list of nominees for the four offices and for the next class of five governors. (The governors are elected by the Society's membership at the annual convention; the officers are elected by the Board.)

*Meeting Locations:* The Board meeting site is chosen by the president, often a place in the president's state or a facility with which he or she is familiar. In the earliest years, as in the case of conventions, the president's own office handled all arrangements for the Board's summer meeting. That meant choosing and contracting with a hotel, notifying the Board members and officers, collecting fees for the events, and responding to inevitable logistical problems. More recently, assistance has been provided by Travel & Transport, mentioned above.

The summer Board meetings have been held at these locations:

- Executive Committee: May 22, 1966 Chicago
- 1967–1970 Informal meetings of the Executive Committee
- 1971 Brown Palace Hotel, Denver, Colorado
- 1972 The Broadmoor, Colorado Springs, Colorado
- 1973 Marco Island Hotel, Marco Island, Florida
- 1974 Location unlisted, Boston, Massachusetts
- 1975 Jackson Lake Lodge, Jackson Lake, Wyoming
- 1976 Sun Valley Lodge, Sun Valley, Idaho
- 1977 Grand Hotel, Mackinac Island, Michigan
- 1978 Tamarron Hotel, Durango, Colorado
- 1979 The Homestead, Hot Springs, Virginia
- 1980 The Broadmoor, Colorado Springs, Colorado
- 1981 Jackson Lake Lodge, Jackson Hole, Wyoming
- 1982 Southampton Princess, Southampton, Bermuda
- 1983 Resort at Lake Okoboji, Okoboji, Iowa
- 1984 Keystone Lodge, Keystone Colorado
- 1985 Hyatt Lake Tahoe Resort, Incline Village, Nevada

- 1986 The Homestead, Glen Arbor, Michigan
- 1987 Madden's on Gull Lake, Brainerd, Minnesota
- 1988 Spring Creek Ranch, Jackson, Wyoming
- 1989 The Lodge at Pebble Beach, Pebble Beach, California
- 1990 Equinox Golf Resort, Manchester, New Hampshire
- 1991 The Homestead, Hot Springs, Virginia
- 1992 The American Club, Kohler, Wisconsin
- 1993 Jasper Park Lodge, Jasper, Alberta, Canada
- 1994 Grove Park Inn, Asheville, North Carolina
- 1995 La Costa Resort, Carlsbad, California
- 1996 The Balsams, Dixville Notch, New Hampshire
- 1997 Sun Valley Lodge, Sun Valley, Idaho
- 1998 Nemaquin Woodlands Resort, Farmington, Pennsylvania
- 1999 Sonnenalp of Vail, Vail, Colorado
- 2000 Chateau Whistler Resort, Whistler, British Columbia,  
Canada
- 2001 The Broadmoor, Colorado Springs, Colorado
- 2002 The Mount Washington Hotel, Bretton Woods, New  
Hampshire
- 2003 Silverado Country Club & Resort, Napa, California
- 2004 The Lodge at Sea Island, Sea Island, Georgia
- 2005 Four Seasons Santa Barbara, Santa Barbara, California
- 2006 Four Seasons Jackson Hole, Jackson Hole, Wyoming
- 2007 Hotel Bel-Air, Los Angeles, California
- 2008 The Lodge at Torrey Pines, La Jolla, California
- 2009 Sunriver Resort, Sunriver, Oregon
- 2010 St. Regis Deer Valley, Park City, Utah
- 2011 Bernardus Lodge, Carmel, California
- 2012 Ritz-Carlton, San Francisco, California
- 2013 St. Regis Aspen, Aspen, Colorado
- 2014 The Inn at Palmetto Bluff, Bluffton, South Carolina



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**THE *QUARTERLY***

John Appleman's vision of a nonpartisan association of trial lawyers included also the publication of a journal with the same independent, nonaligned spirit. His energetic drive that spurred the creation of the Society extended to the immediate establishment of the *Quarterly*. The first issue, published in 1966, only months after the Society's birth, gave notice of the seriousness of purpose of the new enterprise; and it has continued to this day in the same format without missing an issue. Moreover, it still appears in its iconic red-and-white cover.

It was well received, and not only by the members; remarkably, there were already fifty-five institutional subscribers (primarily law-school libraries) as volume two was published. There are still numerous institutional subscribers, but the revolution in publishing has changed the mode of distribution to most of them. William S. Hein & Company, which makes legal periodicals available in digital form, has the right to reprint and distribute the *Quarterly*. One of its digital products is a collection of journals of law associations, of which the Barristers is one; and a large number of libraries subscribe to the collection and thus have access to our *Quarterly*.

The Society's administrator has served as editor of the *Quarterly*, with the exception of a two-year period when the positions were separate:

|           |                |
|-----------|----------------|
| 1965–1972 | Jean Appleman  |
| 1973–1979 | Jim Carrigan   |
| 1979–2009 | John Reed      |
| 2010–     | Donald Beskind |

During the Reed and Beskind terms, the editorial work has

been done primarily by talented associate editors. From 1988 to 2009, Margo Rogers Lesser served as associate editor. Ideally qualified, she had been a member of the Wayne State University Law School faculty and in her student days at Georgetown University Law School she was editor in chief of its law review. Her meticulous editing of more than eighty issues of the *Quarterly* established a high standard of excellence, of which the Society is justly proud.

Since 2010, the primary editorial work has been done by Joan Ames Magat, a Senior Lecturing Fellow at Duke University School of Law, whose credentials and responsibilities closely match her Barristers portfolio as she continues the *Quarterly's* publication at the highest level of quality.

The editors' most challenging task is obtaining useful, worthy, and interesting materials for publication. Unsurprisingly, busy trial-lawyer members are not a fertile source. At one point, the Board of Governors instituted an ill-begotten requirement that a new Fellow submit an article for publication within the first year of membership; ineffective, the requirement was quickly rescinded. On occasion, interesting articles have been reprinted from publications not likely to have been seen by most of our readers. A few volunteered pieces, often excellent, have come in over the years. But by far the largest number of articles published have been edited versions of presentations at the Society's conventions.

At the beginning, most articles were utilitarian, that is to say, designed to help readers more or less directly in their daily practice. Very quickly, the *Quarterly* began to deal with larger questions in the profession, and, more recently, with developments in our culture, broadening the reader but without direct connection to the profession—this last, of course, the result of choice of convention speakers.

Although the categories are neither clearly distinct nor time-limited, a random sampling of the three genres will suggest the breadth of materials presented to the readers of the *Quarterly*:

*Utilitarian*

- How Much Is a Housewife Worth?, vol. 1, #1 (the first!)
- Helping the Client with Alcohol-Related Problems, vol. 8, #5
- Impeachment with Prior Bad Acts under the Federal Rule of Evidence, vol. 11, #2
- The Impact of Income Taxes on Damages Awards in Personal Injury Trials, vol. 12, #3
- An Essay on Jury Argument, vol. 14, #2
- Persuasion: The Advocate's Art, vol. 26, #2
- [In the early volumes there was a regular "Medical Corner" with information useful for trial lawyers.]

*Issues in the Profession*

- Jury Verdicts and Interest Rates vol. 1, #1
- Public Preference for the Jury vol. 2, #3
- [Articles about the jury system constitute a plurality of all articles.]
- Fault and No-Fault, vol. 5, #4
- [No-fault was a common subject for several years.]
- The Courts and Politics: When They Mix and When They Don't, vol. 14, #4
- The Political Invasion of the Advocacy System, vol. 17, #3
- Women Trial Lawyers: The Superwoman Myth, vol. 22, #4
- Civility in the Legal Profession, vol. 36, #4
- The *Hamden* Constitutional Challenge to Executive Power and the First War-Crimes Trial of a Guantanamo Detainee, vol. 45, #2

*The Larger Culture*

- The Bar in the Third Reich, vol. 11, #4
- The Long, Long Road to and from Tiananmen, vol. 24, #3
- Judging Others: From Music to Real Life, vol. 27, #4

Ansel Adams: One with Beauty, vol. 39, #4  
 Morality and the Social Behavior of Our Fellow Primates,  
 vol. 43, #4  
 The Long and Winding Road: The Beatles and Adult  
 Development, vol. 44, #4

Other items in this third category range from the ridiculous (not really) to the sublime. Presentations by a political satirist and by students of humor have lightened the *Quarterly's* fare.

And there have been deeply moving and inspiring articles—poetic even—by and about heroic individuals, notably these:

Bury My Heart at Wounded Knee, by Judge Warren Urbom,  
 vol. 17, #2  
 An Astronaut's Experience, by John O. Creighton, vol. 26, #2  
 A Prisoner in North Vietnam, by Norman Gaddis, vol. 28, #3  
 With Peace, Love, and Forgiveness, by Kim Phuc Phan Thi,  
 vol. 39, #2 [Her picture as a burned girl fleeing a  
 Vietnam napalm attack was distributed worldwide.]  
 Dare Mighty Things, by Tori Murden McClure, vol. 47, #2  
 [Now a college president, she was the first woman to  
 row solo across the Atlantic.]

As the Barristers Society enters its sixth decade, it is not clear what its journal will look like fifty years from now, or even ten. Many if not most Fellows communicate through social media, and hard copy of the printed page is declining. But the *Quarterly* is our public face and serves as a regular and tangible reminder of the Society's vision and purposes. Surely, in some form, it will continue its mission for years to come.

## VI THE FOUNDATION

Through its fifty-year history, the Society has repeatedly declined to engage in projects of its own to carry out its purposes, in part because it lacks the necessary administrative structure and financial resources, in part to avoid the divisiveness inherent in some endeavors, but primarily because it prefers to address these goals through the professional and personal example of its members. The Society has repeatedly been asked to mount or join movements addressing matters of concern to trial lawyers, but the firm and consistent response has been that the Barristers is not a lobbying group and does not join in concerted efforts in those arenas.<sup>8</sup>

Instead, the Society's mode of carrying out its purposes has been two-fold: first (as described above), through inspiration and encouragement of its members to be exemplars of the highest levels of skill and character and personal warmth; and second, through grants to entities for activities and projects that are aligned with one or more of the Barristers' stated purposes.

And in 2002, at the initiative of former president Myron Bromberg, the Society created the International Society of Barristers Foundation to enlarge the Society's ability to fund programs that fall within its charge. The Foundation's purposes are stated in the same terms as the Society's (e.g., encouraging retention of the adversary system and trial by jury), and the Foundation Board constantly seeks the most productive means of achieving those purposes.

Members of the Society are invited to contribute regularly to the Foundation, which has charitable status for tax purposes, but especially to make gifts commemorating deceased Fellows. The

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8. The Society responds affirmatively, however, to invitations to have representatives participate in meetings called to discuss those matters. For example, the president of a delegate participates in the meetings of the American Civil Trial Roundtable, which gathers together the leaders of the various trial groups.

Society itself continues to make substantial grants, as for example, to NITA, but it now does so through contributions to the Foundation. At the beginning of 2015, the Foundation's assets exceeded \$500,000. The Foundation Board looks toward establishing an endowment large enough that the income it generates, together with current giving, will stabilize its support of cognate entities such as those listed in the following paragraphs.

The Barristers' first monetary contribution was a \$5000 grant in support of the inaugural session of the National Institute for Trial Advocacy, held in 1972. The Society's administrator at that time was Jim Carrigan, who was deeply involved in launching the Institute, and the grant reflected his influence. The Society has continued its support of NITA virtually every year since then. For many years now, these gifts have been designated as International Society of Barristers Spangenberg Scholarships, intended for lawyers in public-interest settings and young lawyers in solo or small firm settings, often in smaller communities. In recognition of the Society's substantial support over the years (almost \$200,000 since the year 2000 alone), NITA designated a courtroom in its former Colorado training center as the International Society of Barristers Courtroom

The Society has supported trial advocacy programs in several law schools, the earliest being a grant to the University of Florida Law School in memory of Bill Frates, the Society's 1973 president. Another was given to the University of Miami Law School in memory of Ray Pearson, the 1985 president. The Barristers contributed a sum to Wayne State University Law School, enlarged greatly by individual gifts from officers and fellows, for a scholarship endowment in excess of \$150,000 in the name of John Reed, its former dean and the Society's administrative secretary and editor at that time. In 1999, the Society endowed an annual "Craig Spangenberg Oral Advocacy Award" at the University of Michigan Law School, Craig's alma mater. Finally, as Mr. Reed's ISOB tenure drew to a close, Peter John, of Chicago, and Michael Kelly, of San

Francisco, led a solicitation in Reed's name among the officers and others that produced an endowment fund of \$100,000 at Michigan Law School to support student participation in trial-advocacy competitions; and the Barristers Foundation added \$20,000 to permit expenditures even before the fund could generate significant expendable income.

The Society and the Foundation have also made one or more grants to the following entities:

American Judicature Society (Jury Trial Center)  
Court Appointed Special Advocates (for children)  
Equal Justice Initiative of Alabama (civil rights litigation)  
The Innocence Project (exonerating innocent prisoners)  
National Judicial College (complex litigation benchbook)  
New Orleans Pro Bono Project (legal help after Hurricane Katrina)

\* \* \*



## VII GOVERNANCE AND ADMINISTRATION

### *Governance*

The governance structure of the International Society of Barristers today is remarkably like the initial arrangements in 1965, which is another tribute to the wisdom of the founders. At the beginning, there were fifteen members of a Board of Governors, divided into three classes of five, serving staggered, three-year terms. From among those governors, three were chosen to serve as president, vice-president, and scribe (all listed without initial capital letters—a token of their lack of pretense). Over time, there have been minor adjustments and a one-third enlargement of the Board, resulting today in four officers (president, first and second vice-presidents, secretary-treasurer) and a twenty-person Board of Governors consisting of the fifteen members elected by the Fellows, the four officers, and the immediate past-president. There is an informal limit of two Board terms. The Board meets twice a year, once in a multi-day gathering in late summer, the other during the Society's annual convention.

The Board elects its own officers, but the Fellows at large elect the remaining fifteen members of the Board at the Society's annual business meeting held during the annual convention. Nominations for all these positions are the product of a nominating committee appointed by the president. For the last thirty years, the committee has consisted of the past presidents in attendance at the mid-year Board meeting, ranging in number from five to twelve. It meets separately and submits a list of nominees for the four offices and for the next class of five governors.

Assigning to past presidents the task of identifying the members to lead any organization going forward poses the risk that it will overvalue its past and fail to appreciate and engage the changes and opportunities that abound. But over the years, the

officers whom the Society has chosen have led the Society toward a rewarding amalgam of fidelity to its first principles and creative engagement with the challenges of an evolving profession.

By and large, the committee has nominated members who have distinguished themselves by frequent convention attendance and by good-natured involvement in the work and activities of the Society. It is a Barristers tradition, indeed a cardinal principle, that there is no politicking, no campaigning for office. New Fellows are told (and experienced Fellows are reminded annually) that the person does not seek the office; rather, the office seeks the person. A consequence is that meetings are friendlier and less stressful.

*A Listing of Presidents and Governors*

The Society has had fifty-one presidents in these fifty years. (The sixth president, William H. Erickson, resigned midterm when he became a member of the Colorado Supreme Court and was succeeded by Charles T. Hvass for the remainder of the term.)

Those who have served as president:

|                                 |      |
|---------------------------------|------|
| Craig Spangenberg, Ohio         | 1966 |
| Murray Sams Jr., Florida        | 1967 |
| Kelton S. Lynn, South Dakota    | 1968 |
| Arch K. Schoch, North Carolina  | 1969 |
| John H. Locke, Virginia         | 1970 |
| William H. Erickson, Colorado   | 1971 |
| Charles T. Hvass, Minnesota     | 1971 |
| Robert T. Cunningham, Alabama   | 1972 |
| William S. Frates, Florida      | 1973 |
| Philip G. Peters, New Hampshire | 1974 |
| Richard R. Bostwick, Wyoming    | 1975 |
| Carlton R. Reiter, Oregon       | 1976 |
| Douglas W. Hillman, Michigan    | 1977 |
| Alex S. Keller, Colorado        | 1978 |

|                                            |      |
|--------------------------------------------|------|
| Alex W. Newton, Alabama                    | 1979 |
| Stan Siegel, South Dakota                  | 1980 |
| William D. Flaskamp, Minnesota             | 1981 |
| Walter R. Byars, Alabama                   | 1982 |
| John J. Greer, Iowa                        | 1983 |
| M. J. Bruckner, Nebraska                   | 1984 |
| Ray H. Pearson, Florida                    | 1985 |
| Joel M. Boyden, Michigan                   | 1986 |
| William T. Egan, Minnesota                 | 1987 |
| Carleton R. Hoy, South Dakota              | 1988 |
| Mark P. Robinson, California               | 1989 |
| Perry S. Bechtel, Pennsylvania             | 1990 |
| William J. McDaniel, Alabama               | 1991 |
| Frederick H. Mayer, Missouri               | 1992 |
| Tom Alexander, Texas                       | 1993 |
| Charles F. Blanchard, North Carolina       | 1994 |
| Con M. Keating, Nebraska                   | 1995 |
| David L. Nixon, New Hampshire              | 1996 |
| Richard E. Day, Wyoming                    | 1997 |
| John G. Lancione, Ohio                     | 1998 |
| Frank J. Brixius, Minnesota                | 1999 |
| Myron J. Bromberg, New Jersey              | 2000 |
| Joe McLeod, North Carolina                 | 2001 |
| Gene Mac Winburn, Georgia                  | 2002 |
| Daniel J. Kelly, California                | 2003 |
| John D. Liber, Ohio                        | 2004 |
| Edward J. Matonich, Minnesota              | 2005 |
| Scott S. Powell, Alabama                   | 2006 |
| Edward J. Nevin, California                | 2007 |
| William R. Gray, Colorado                  | 2008 |
| William F. Martson, Jr., Oregon            | 2009 |
| Marietta S. Robinson, District of Columbia | 2010 |
| J. Graham Hill, Texas                      | 2011 |

|                              |      |
|------------------------------|------|
| Michael A. Kelly, California | 2012 |
| Michael A. Worel, Utah       | 2013 |
| James R. Bartimus, Kansas    | 2014 |
| Rutledge R. Liles, Florida   | 2015 |

Fellows who have served on the Board of Governors and their elected terms:<sup>9</sup>

|                                      |                         |
|--------------------------------------|-------------------------|
| Tom Alexander, Texas                 | 1983–1986               |
| John P. Arness, District of Columbia | 1994–2000               |
| Maxwell Badgley, Michigan            | 1965–1968               |
| James W. Baker, Michigan             | 1985–1988               |
| Daniel R. Baradat, California        | 2007–2013               |
| Judy Y. Barrasso, Louisiana          | 2011–2014               |
| James R. Bartimus, Missouri          | 2005–2011               |
| Perry S. Bechtle, Pennsylvania       | 1978–1981,<br>1984–1990 |
| Paul Berman, Maryland                | 1965–1969               |
| Bruce C. Bishop, Tennessee           | 1969                    |
| Hugo L. Black, Jr., Florida          | 1979–1982               |
| Charles F. Blanchard, North Carolina | 1985–1991               |
| Richard R. Bostwick, Wyoming         | 1971–1979               |
| Joel M. Boyden, Michigan             | 1981–1987               |
| Douglas E. Bragg, Colorado           | 1982–1985               |
| Frank J. Brixius, Minnesota          | 1990–1996               |
| Peter J. Brodhead, Ohio              | 2012–2015               |
| Myron J. Bromberg, New Jersey        | 1991–1997               |
| Horace G. Brown, New Jersey          | 1965–1968               |
| M. J. Bruckner, Nebraska             | 1979–1986               |
| Steven M. Bruckner, Nebraska         | 2012–2015               |
| Stanley M. Burns, New Hampshire      | 1965–1966               |

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9. The dates of service do not include terms of ex officio membership as an officer or past president.

|                                       |                         |
|---------------------------------------|-------------------------|
| Walter R. Byars, Alabama              | 1977–1983               |
| Peter D. Byrnes, Washington           | 2000–2006               |
| Àlvaro R. Calderón, Puerto Rico       | 2002–2005               |
| Robert E. Cartwright, California      | 1982–1988               |
| Thomas Chandler, Arizona              | 1973–1976               |
| D. Ross Clark, British Columbia       | 2003–2009               |
| Jerry K. Clements, Texas              | 2013–2016               |
| Donald O. Comer, Minnesota            | 1965–1967               |
| Thomas W. Cranmer, Michigan           | 2012–2015               |
| John T. Crowder, Alabama              | 1992–1998               |
| Robert T. Cunningham, Alabama         | 1969–1975               |
| John P. Cusack, New Mexico            | 1975–1978               |
| Joseph S. Daly, Nebraska              | 2005–2011               |
| Maxon Davis, Montana                  | 2014–2017               |
| Richard E. Day, Wyoming               | 1987–1993               |
| Stanley G. DeLaHunt, Minnesota        | 1992–1995               |
| Edward S. G. Dennis Jr., Pennsylvania | 2000–2003               |
| James K. Dorsett III, North Carolina  | 2001–2007               |
| William T. Egan, Minnesota            | 1982–1988               |
| Walter W. Eppes Jr., Mississippi      | 1987–1990               |
| William H. Erickson, Colorado         | 1969–1971               |
| Donald J. Farage, Pennsylvania        | 1965–1966,<br>1971–1974 |
| Michael A. Ficaro, Illinois           | 2009–2012               |
| William D. Flaskamp, Minnesota        | 1975–1984               |
| Willis H. Flick, Florida              | 1970–1979               |
| John C. Frank, Kansas                 | 1965–1966               |
| William S. Frates, Florida            | 1971–1974               |
| James P. Frickleton, Kansas           | 2013–2016               |
| G. Patrick Galloway, California       | 2008–2014               |
| John Gordon Gearin, Oregon            | 1965–1968               |
| Charles E. Gray, Missouri             | 1970–1979               |
| William R. Gray, Colorado             | 2004–2007               |

|                                            |           |
|--------------------------------------------|-----------|
| Stanley W. Greenfield, New Jersey          | 1982–1985 |
| John J. Greer, Iowa                        | 1980–1986 |
| Michael E. Hale, Arkansas                  | 1993–1999 |
| Donald R. Hansen, North Dakota             | 1978–1984 |
| Rex J. Hanson, Utah                        | 1969–1975 |
| Calvin E. Hardin Jr., Louisiana            | 1976      |
| James R. Harper, Georgia                   | 1981–1987 |
| Thomas V. Harris, Washington               | 2009–2012 |
| Edward J. Hickey Jr., District of Columbia | 1978–1981 |
| William M. Hicks, Florida                  | 1988–1991 |
| Thomas B. High, Idaho                      | 2006–2012 |
| J. Graham Hill, Texas                      | 2002–2008 |
| Douglas W. Hillman, Michigan               | 1971–1978 |
| Maria Tankenson Hodge, Virgin Islands      | 2007–2013 |
| Carleton R. Hoy, South Dakota              | 1980–1986 |
| Charles T. Hvass, Minnesota                | 1969–1975 |
| Charles T. Hvass Jr. Minnesota             | 2003–2009 |
| Peter C. John, Illinois                    | 2007–2013 |
| Daren T. Johnson, California               | 1974–1980 |
| Michael J. Keady, California               | 1974–1977 |
| Con M. Keating, Nebraska                   | 1985–1991 |
| Alex S. Keller, Colorado                   | 1974–1980 |
| Daniel J. Kelly, California                | 1994–2000 |
| Michael A. Kelly, California               | 2003–2008 |
| John J. Kennelly, Illinois                 | 1967–1969 |
| Joseph H. Kenney, New Jersey               | 2001–2007 |
| Kevin Krist, Texas                         | 2014–2017 |
| Ronald D. Krist, Texas                     | 2000–2006 |
| Stanley J. Krist, Texas                    | 1993–1999 |
| John G. Lancione, Ohio                     | 1989–1995 |
| Norman J. Landau, New York                 | 1979–1982 |
| John D. Liber, Ohio                        | 1995–2001 |
| Kathleen Lang, Michigan                    | 2014–2017 |

|                                          |           |
|------------------------------------------|-----------|
| Rutledge R. Liles, Florida               | 2007–2013 |
| John H. Locke, Virginia                  | 1967–1972 |
| Kelton S. Lynn, South Dakota             | 1967–1969 |
| William F. Martson Jr., Oregon           | 1999–2005 |
| Edward J. Matonich, Minnesota            | 1997–2003 |
| Frederick H. Mayer, Missouri             | 1984–1990 |
| William J. McDaniel, Alabama             | 1983–1989 |
| J. Kenneth McEwan, British Columbia      | 2011–2017 |
| C. Patrick McLarney, Missouri            | 1988–1991 |
| Joe McLeod, North Carolina               | 1992–1998 |
| Joseph K. Meusey, Nebraska               | 1994–2000 |
| Sanford S. Meyer, Illinois               | 1970–1976 |
| Marshall E. Miller, District of Columbia | 1965–1966 |
| Hugh Miracle, Washington                 | 1965–1970 |
| Michael Nachwalter, Florida              | 1998–2004 |
| William Nagle Jr., California            | 1969–1970 |
| John M. Newman, New Jersey               | 2009–2012 |
| Alex W. Newton, Alabama                  | 1974–1980 |
| Edward J. Nevin, California              | 1998–2004 |
| David L. Nixon, New Hampshire            | 1987–1993 |
| Roland Obenchain, Indiana                | 1979–1982 |
| Ray H. Pearson, Florida                  | 1981–1987 |
| Wendell Pendleton, Iowa                  | 1971–1978 |
| Norman Perl, Minnesota                   | 1976–1982 |
| Michael W. Perrin, Texas                 | 1995–2001 |
| W.R. (Ray) Persons, Georgia              | 2012–2015 |
| Philip G. Peters, New Hampshire          | 1971–1978 |
| Kathleen Flynn Peterson, Minnesota       | 2013–2016 |
| William E. Pfau Jr., Ohio                | 1970–1979 |
| John A. Pindar, New Jersey               | 1970      |
| David D. Powell Jr, Colorado             | 2013–2016 |
| Scott A. Powell, Alabama                 | 1999–2005 |
| Henry J. Price, Indiana                  | 1992–1995 |

|                                       |           |
|---------------------------------------|-----------|
| Keith F. Quail, Arizona               | 1967–1969 |
| Gordon A. Rehnborg Jr., New Hampshire | 2006–2009 |
| Carlton R. Reiter, Oregon             | 1971–1974 |
| Gerald F. Richman, Florida            | 1993–1999 |
| Robert F. Ritter, Missouri            | 1994–2003 |
| Marietta S. Robinson, Michigan        | 2001–2007 |
| Mark P. Robinson, California          | 1980–1986 |
| Mark P. Robinson Jr., California      | 1993–1999 |
| Murray Sams Jr., Florida              | 1965–1968 |
| Harry H. Schneider, Washington        | 2012–2015 |
| Joseph J. Schneider, Hawaii           | 1988–1991 |
| Arch K. Schoch, North Carolina        | 1965–1970 |
| Donald L. Schlappizzi, Missouri       | 1996–2002 |
| Harold R. Schmidt, Pennsylvania       | 1968–1970 |
| Lance M. Sears, Colorado              | 2008–2014 |
| Stan Siegel, South Dakota             | 1974–1980 |
| Abner R. Sisson, Massachusetts        | 1968–1970 |
| William B. Smith, California          | 2010–2016 |
| Craig Spangenberg, Ohio               | 1965–1968 |
| Stuart M. Speiser, New York           | 1967–1969 |
| Robert A. Stein, New Hampshire        | 1999–2005 |
| Larry A. Tawwater, Oklahoma           | 2005–2008 |
| Chester Thomson, Illinois             | 1965–1966 |
| Joe H. Tonahill, Texas                | 1965–1967 |
| Stephen Wade, Maine                   | 2014–2017 |
| Houston G. Williams, Wyoming          | 1978–1981 |
| Martin W. Williams, Ohio              | 2006–2012 |
| Gene Mac Winburn, Georgia             | 1995–2001 |
| Phillip A. Wittmann, Louisiana        | 2008–2014 |
| Michael A. Worel, Alabama             | 2004–2010 |
| Harry E. Wrathall, Nova Scotia        | 1999–2005 |



With the exception of convention travel expenses of the president and the secretary-treasurer (convention-program chair), no officer or Board member receives compensation or reimbursement of expenses for meetings.

#### *Administration*

The day-to-day operations of the Society have been managed by a series of five part-time administrators: Jean Appleman (eight years), Jim Carrigan (three years), Douglas Bragg (five years), John Reed (twenty-nine years), and Donald Beskind (five years and counting).

The Society's initial "executive secretary," Jean Appleman, was a lawyer and the daughter of founder John Appleman, and its office was her Chicago law office. This was one reflection of the role and influence of John Appleman in the launching of the Society, and, among other benefits, it enabled an economical start.

Jim Carrigan's resumé was ideal for the position of "administrative director" of the Barristers. In private practice in Colorado and a Fellow of the Society, he had been a trial lawyer in his native North Dakota, he'd taught trial practice at the Universities of Colorado and Denver and at Washington University and NYU, he had helped establish the National Judicial College and the National Institute for Trial Advocacy, and he had been Colorado's judicial administrator. (In an already remarkable career, he later became a regent of the University of Colorado, a justice of the Colorado Supreme Court, and a judge of the United States District Court for the District of Colorado.) His appointment to the bench in 1976 prompted his resignation as the Barristers' administrator and the appointment of Douglas Bragg.

While Jim Carrigan continued to serve as editor, Douglas Bragg, a Colorado Barrister and a former partner of Carrigan's, managed the Society's affairs from his Denver office from 1976 until 1981, when the demands of his trial practice necessitated his

resignation. John Reed was appointed to succeed him.

Reed, a member of the University of Michigan law faculty, had been Carrigan's colleague at the University of Colorado and through him became acquainted with the Barristers. Carrigan and two Michigan alumni—Douglas Hillman, a former president, and Joel Boyden, who later became a president—recruited Reed to be the Society's editor in 1979.<sup>10</sup> And when Doug Bragg resigned, Reed was named to the administrative post also, with the modest title of "administrative secretary."

John Reed was succeeded by Donald Beskind, a highly regarded North Carolina trial lawyer and Fellow of the Society. Among other professional activities, Don had been a full-time faculty member at Duke University's law school in the late 1970s, but had then practiced full time as a trial lawyer for thirty years. During those years both at Duke and the University of North Carolina, he continued to teach trial skills and Evidence. As he was leaving his firm to return to a full-time position on the Duke faculty, he agreed to serve also as the Society's fifth administrator and fourth editor. The Society's principal office was moved to his office at Duke, in Durham, North Carolina. The transition from Reed to Beskind was completed in early 2010. The successive administrators served also as editors of the *Barristers Quarterly*, with much of that work done by associate editors.

The Barristers Society is deeply grateful to the University of Michigan and Wayne State University law schools for their extraordinarily generous logistical and staff support that enabled Mr. Reed to serve as administrative secretary and editor while fulfilling his faculty duties. It is no less grateful to Duke University Law School for similar, equally generous support.

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10. The recruiting visit took place in Joel Boyden's recreational vehicle in the tailgate parking lot at Michigan Stadium after a Michigan–Notre Dame game. It has never been clear whether Carrigan, a dedicated Notre Dame fan, would have come from Colorado for the meeting had there not been the draw of the football game.

## VIII THE ROAD AHEAD

In its first fifty years, the International Society of Barristers has maintained its founders' vision. Prime among its stated purposes are two that are in parallel: abolishing animosity between counsel representing plaintiffs and defendants, and encouraging amicable personal and professional relationships. Those goals clearly have been achieved within the Society's ranks. But has there been an effect beyond that?

As early as 1980—only fifteen years after the Barristers' founding—Craig Spangenberg claimed at least partial victory on that score:

The fact that the International Society of Barristers has remained faithful to its early beliefs is a tribute . . . to the validity of those ideals. And it has worked. Look around you—isn't there less narrowness, less bigotry, more openness, more arm-in-arm cooperative effort for the common good in the trial bar today?<sup>11</sup>

Whether that progress continues is not clear. Surely the profession's general drift toward a business model is not helpful, but some would argue that the trial bar has been less affected by that drift than most other areas of law practice. In any event, it is the Barristers' deeply held belief that the Society is a strong force for civility and honor in the profession. The materials in this issue of the *Quarterly*—the personal testimonies of a cloud of past presidents, the "Conventions of the Convention," the Barrister Society's history—reveal that the larger influence of the Society upon the trial profession comes from personal and professional depth. It comes from the example of its Fellows, from the intangibles of the collective character of the

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11. Craig Spangenberg, *The Early Days*, 15 INTERNATIONAL SOCIETY OF BARRISTERS QUARTERLY 285, 290 (1980). For the full text, see *supra* sec. I, p. 79.

members and the extraordinarily supportive relationships among them. In short, the Barristers' influence comes from the example of the high professionalism they exemplify and personal warmth they provide. Such influence is easily seen through the observations of individual members who offer opinions like the following:

"We promote collegiality by downplaying *what* our members are or have achieved and focusing on *who* they are."

"We foster civility, not by lectures, guidelines, or rules of practice, but by refusing to honor and grant membership to those who are uncivil, bullying, loud, or oppressive."

"We knock down walls; we destroy flawed notions that suggest that what plaintiffs lawyers do is more important than what defense lawyers do (or vice versa)."

"In my experience, I [a plaintiff's lawyer] have met and made lasting friendships with more defense lawyers through ISOB than through years with any other organization, whether ABOTA, IATL, ACTL, my state bar committees, or otherwise."

"We value an independent judiciary because, without it, the system doesn't simply break down, it never gets started on an even keel."

"More than any other professional group of lawyers who try cases in the courts, we do not take ourselves too seriously."

"We understand that there is a difference between our profession and our worth as human beings. We love those random acts of professional caring that our members engage in for their fellow man."

“At our retreats we drop the façade and permit others to see who we are in the most important, private respects—[those] relating to character, integrity, family, and friendship.”

These observations and countless others of the same tenor reveal the heart of the Barristers.

Most of the legal profession’s vast changes in last fifty years were not foreseen, and no one can anticipate clearly the changes to come. But no matter what that future brings, there is among the Fellows of the Society of Barristers a deep faith that high competence, unquestionable integrity, and caring for others not only makes their own lives more rewarding but, above all, holds the promise of a ripple effect that ennobles our profession. We look forward to the next fifty eagerly, and with optimism and hope.

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**IX**  
**THE CONVENTIONS OF THE CONVENTION**

**Michael A. Kelly**

*Newly elected members of the Barristers Society are formally inducted at the first session of each annual convention. Before they and their spouses are welcomed individually, a senior Fellow speaks to them about the traditions (the “conventions”) of its annual meetings and of the Society itself. These presentations inform and instruct the new members, of course, but they also refresh the recollections of the earlier members and play an important role in maintaining the group’s unique spirit. A roster of those who have spoken thus on the Society’s behalf once or more includes Craig Spangenberg, M. J. Bruckner, Joel Boyden, John Reed, Jack Liber (most frequent), and Michael Kelly.*

*Mr. Kelly spoke at the 2014 meeting in Hawaii, and his version of the Conventions of the Convention is printed here.*

It is my privilege to welcome each of you to the 49<sup>th</sup> Annual Meeting of the International Society of Barristers. On behalf of my fellow Barristers and their partners and spouses, let me extend an especially warm welcome to those of you who are attending your very first Barrister convention. We want you to know how happy we are that you have joined us, and we hope that this will be just the first of many Barrister annual meetings in your futures.

These opening remarks are intended primarily for those of you sporting red badges—our new inductees and your guests.

I personally recall sitting out there in the front row, exactly where you are, in March of 1998 at the Hualala’i Resort in Hawaii, where Joel Boyden of Michigan gave this address. I remember being the only person who was unaccompanied by his spouse or partner, and being confused as to whether I should be wearing a tie, or a

Hawaiian shirt, or both. I chose neither, and proceeded to the morning's first meeting quite uncertain as to what my nominator had gotten me into.

As I learned from Joel Boyden that morning, and as you hopefully will learn from me, this is not the typical legal honor society. This is not a place where self-important windbags seeking adulation or referral of new cases are found, nor is it a place where cliques of existing members have a private party while the general membership looks on and wonders who the heck those people are. No, this is a different kind of legal association where we are actually interested in who you are and what you like, not what you have accomplished, or what you can do for us.

Consistent with that theme, you should know that no one in this group has any special privilege or status. I certainly have no special right or standing in the group, which entitles me to make this address. All of the members of this society are one—a working proletariat of professional trial lawyers who, for this one week a year, meet for rest, relaxation, battery recharging, and renewal. And that, I believe, is a perfect segue into the principles and traditions of this society, a unique association within the vast sea of legal honorary associations.

We believe that you new members are about to embark on a unique and enriching experience. So sit back, relax, and open your hearts and minds to the beginning of your membership in this warm and endearing fellowship we call the Barristers.

With this opening address we remind ourselves of who we are and why we are here. For you, the new members, the address is given so that you will understand the rules and traditions of the Society, to maximize your enjoyment, and to impress upon you the significance of having entered into this honorable company.

Each and every one of you who has been chosen for induction today is considered by your peers as being truly outstanding in the field of trial advocacy, or you would not be here. It was to honor



those specific talents and attributes you possess that the Society was created forty-nine years ago.

Membership in this society is strictly limited to trial lawyers who are regarded by their peers, and by the judges before whom they practice, as truly outstanding in the field of trial advocacy. I can guarantee that each one of you has had at least one judge in your nomination folder who has commented that you are one of the finest trial lawyers to ever appear in his or her courtroom.

So you are here because of excellence in advocacy and exemplary professionalism in all dealings with the court and opposing counsel. Those are the core values of this group.

While there are certainly gifted and terrific lawyers in other niches of practice, we neither honor them here nor invite them to membership. There are other societies, associations, or colleges for those who may be excellent in appellate advocacy, mergers, mediation, bankruptcy, arbitration, administrative procedure, pretrial procedure, or settlement. But the ranks of the Barristers are restricted to trial lawyers, and only trial lawyers, without regard to the nature of practice—whether commercial litigation, personal injury, criminal prosecution or defense, domestic relations, civil rights, patent and trademark, business litigation—the best of the bar who try cases to juries are the people we honor and welcome.

When the Barristers was first created back in the 1960s, the trial bar had begun splintering into various fractionalized and segregated specialty groups. This had produced growing divisiveness, antagonism, and legislative and political agendas between plaintiff and defense counsel.

The founders of the Barristers believed that the trial bar should not be so divided, that all trial skills are interchangeable, and that a lawyer outstanding in one narrow field of specialty, whether representing plaintiffs or defendants, could readily master any other field he or she might choose. For that reason, this group was purposely developed to have no agenda other than provide a place

for rest, relaxation, and renewal for those professionals toiling in the courts on a regular basis. And that is why you, and I, are here.

Ah, but what about the rules? Katherine Hepburn once said, “If you obey all the rules you miss all the fun.”

We understand that, so our rules are few in number and they are intended to maximize the fun. We have but five central rules or precepts here. Over time, they have come to be known as the “Conventions of the Convention.”

The first of these conventions is perhaps one you’ve already observed and involves the concept of collegiality, the unique friendliness and camaraderie that are a hallmark of the Society and form the very basis for its existence.

The essential difference between the International Society of Barristers and all other legal associations of trial lawyers lies in the purposes clause of the Articles of Incorporation. Paragraph 8 of the clause states the purpose “to abolish any animosity between counsel representing plaintiffs and defendants and to produce recognition that all trial lawyers are advocates fully representing the rights of all clients.”

The Society was created in a hotel room in Chicago on August 2<sup>nd</sup>, 1965, by four men—all legendary giants of the national trial bar. They were John Appleman of Chicago, John Guerrin of Portland, Oregon, Murray Sams of Miami and Craig Spangenberg of Cleveland. Among the four of them, one or another held fellowships or memberships in the premier legal societies of the time: the American College of Trial Lawyers, the International Academy of Trial Lawyers, the International Association of Insurance Counsel, the Federation of Insurance Counsel, and the National Association of Railroad Trial Counsel.

In the Articles of Incorporation, they set forth a belief shared by the four of them that the art and skills of advocacy are universal and that an independent and courageous trial bar is just as essential to the preservation of individual rights as the Bill of Rights. They also

declared their opposition to the notion that an adversary system was intended to be an antagonist system in which the clash of ideas had to be matched by a clash of personalities.

This last point, the principle of collegiality, and the abolition of animosity between counsel, is the cornerstone of our existence. For that reason we do insist on this one quality from each of you—that within this fellowship you hone and polish your sense of collegiality. And, frankly, you wouldn't be here today unless we were thoroughly convinced that you could do just that.

The second convention has to do with our governance, the way in which we govern ourselves. Nobody runs for office here. Indeed, it is still a mystery to me how I ever became president of this group. The concept of organizational politics is forbidden. This second convention is one of our most important rules. As far as life in the Barristers is concerned, it is not the Fellow who seeks the office, but the office that seeks the Fellow. Campaigning or politicking in any form, whether overt, subtle or subliminal, is unacceptable here at the Barristers.

The founders recognized that life is too short for politics on vacation.

The founding documents gave the organization a system for the selection of Board members and officers that involves no campaigning. Officers of the Society and members of the Board of Governors are nominated by a Nominating Committee consisting of past presidents. Members of the Society's Board of Governors are elected by voice vote of the membership at the annual meeting, and the officers are then elected by the Board of Governors.

The third convention involves the fact that no one here has anything to prove. At these meetings, the trial lawyer is expected to be simply himself or herself. For the rest of this week, just take a deep breath, relax, and enjoy yourself. You're not on trial here. You're not in competition with anyone. You are here precisely because your peers have *already* recognized you as being one of the

very best of trial practitioners. You were selected. You did not apply.

You were selected to join our ranks without regard to whether you're a plaintiff or defense lawyer, whether you come from a firm with an office on every continent or a sole practitioner in a town with nothing more than a church, a court house, and a place to get a cold beer. It doesn't matter. We don't care. You are here because you are outstanding at what you do.

The fourth convention dovetails with the third, and deals with a further prohibition on trying to impress us any more than we are already impressed. Once in this select company, there's nothing more that you have to say or do with regard to your qualifications in order for you to be accepted into this group. That is a given. You do not have to tell us what you are, or what you think you are, or what you have done, because your mere selection for fellowship has already proved that. As a result, at these gatherings of the Society, it is considered neither desirable nor proper to talk about your personal legal accomplishments, the status and reputation of your law firm, the size or importance of your jury verdicts, or how you have single-handedly preserved each of our individual freedoms, and life as we know it, in a free society.

In this digital age of self-promotion, talking websites, Google ad words, pay per click, midnight TV advertising, law-firm and lawyer tweeting, and visits to your desktop by unsolicited electronic messages and newsletters, far too much of what we read and see highlights our fellow lawyers' pride in their own achievements. More than any time I can recall in my practice, today more lawyers than ever have become legends in their own minds. But not here at the Barristers.

Our selection process focuses on who you are more than on what you have done. It has never been and never will be a criterion for membership that you must first win an enormous case. Indeed, if we are correct about those qualities that make you special, and qualify you for membership, if the case was that big and that good,

then you should have won it in the first place—so why brag about it?

Those looking for praise in the press or headlines proclaiming their greatness will never be found listed in our roster. Boasting about cases won, or results achieved, or any such topics are not acceptable and is considered bad manners. As you will see during the week to come, we are all here to escape exactly those types of daily conversations and to thrive in the rest and relaxation that a fellowship of these fine people provides.

We have a lot of fun here. We do not take ourselves very seriously. As one of our iconic past presidents, Jack Liber, was fond of saying, “Laughter is a great healer.”

Like the founders of this society, we who carry on consider these meetings to be like an oasis in the desert, a place to relax, to heal, to recharge for the courtroom battles that lie ahead. That is why laughter and relaxation form such a large part at these gatherings. They become our antibiotic, our anti-oxidant, our elixir of rejuvenation.

The central focus of this fourth convention, then, is that at these gatherings we really don’t care *what* you are. We already know that. What we really care about and want to find out is *who* you are. More than any other association you may belong to, we care here about each other and about each other’s families. We want to know what makes you happy or sad. We want to know about your children, grandchildren, hobbies, your free-time pursuits, your hopes and desires, and in the process to become your friend and not just another contact, acquaintance, Facebook page or LinkedIn connection.

The fifth and final convention of the Society, and for at least half of this gathering the most important, involves our partners or spouses or guests. Unlike other legal organizations, the Barristers is a society where the spouse or partner or guest is accorded equal billing with the Fellow. Their full and complete participation is not only encouraged but is sought as strongly as possible. Every Fellow

who is here having been honored by election to fellowship would readily admit that he or she would not be here were it not for those who have supported us. We are proud to acknowledge them, and we recognize that they too need an opportunity to rest and refresh—often just from being around us!

It would be a horrible trick indeed for us to wear out the people who have supported us with our sometimes manic, always stressful lifestyles and professional demands by taking them on a vacation to a place to meet with 200 other similarly manic, stressed-out people in order figure out how to be even more manic and stressed out.

For this reason, the annual meeting of the Barristers does not consist of typical CLE fare where someone is going to try and teach you how to cross examine a witness or give a better final argument or take a more thorough deposition. These programs are purposely not about trial skills or tactics or strategy.

These programs are about making and nurturing friendships, letting your mind wander and your imagination percolate—the programs' topics encompass the range of subjects from life through death and everything in between. Programs are designed and intended to be enjoyed, to make us think, reflect, laugh, cry, and even occasionally understand. Our spouses, partners, and guests' interests are kept foremost in mind as program organizers arrange for speakers.

And there they are—the five “Conventions of the Convention.”

**X**  
**SIDEBAR**

**John Reed**

Alex Keller, the 1978 president and principal draftsman of the bylaws, is the only officer who ever covered the (inevitable) convention deficit out of his own pocket. He was convention chair for the 1972 meeting at Hawaii's Mauna Kea Resort. When the final accounting showed a deficit ("because I chose the best of everything"), he elected to pay it personally. It was \$355!

Keller was born in Austria and came to the United States in 1940 at the age of twelve when his family fled the Nazis and settled in Colorado. He became a naturalized citizen and served in the US Army. His passionate avocation was racing sports cars and, later, serving as head steward at racing events across the nation. At his death in 1996, the Sports Car Club of America created an annual Alex Keller Award, still given, for the individual who serves the Club most generously.

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At the 1982 meeting at the Arizona Biltmore, before the use of red badges to identify new members, the Board members and their spouses were reminded of the high importance of making new members and their guests feel welcome. "Do not talk only to your friends." At the opening reception, Betty Ann Flaskamp and Dot Reed enthusiastically carried out that responsibility by conversing at length with two particularly appealing young men, only to discover in due course that they were not new Barristers but rather FBI agents providing security for William Webster, then director of the FBI and a speaker at the meeting.

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As a parody of the gender differences in introductions of convention speakers ("And now, to speak to us about her time as

mayor of Jonesville, I am pleased to present the lovely Jane Doe.”) Marti Robinson introduced her husband, Jim, then the Assistant Attorney General for the Criminal Division of the US Department of Justice, as “my wonderful husband.”

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When introducing speakers, John Greer, of Spencer, Iowa, the 1983 president, had great difficulty completing the stories he loved to tell. His mind would race ahead to the punch line, which caused him to laugh prematurely, often uncontrollably and continuing at great length, very nearly losing the point of the joke. (We laughed with him.) He was, by the way, a pilot, and at the summer Board meeting at Lake Okoboji, Iowa, he ferried several members in his plane from the Minneapolis-St. Paul airport to a tiny airport near the lake.

The Lake Okoboji Board meeting was held in a motel that wrapped around three sides of a swimming pool. Toward the end of an afternoon when the meeting was in recess, those at the pool were amused to see Jim Bruckner, the first vice president, ride into the area on an impressive white horse, erect in the saddle like a conquering general. The source of the horse remains a mystery.

The dinner seating that evening was at long, narrow tables, and a number of diners became aware of something moving among their legs. It turned out to be Rita Robinson, wife of Mark Robinson, crawling along in search of a dropped earring. Rita could well have been cast as a *grande dame* in a period movie. At a March convention at the Arizona Biltmore, an evening dinner was held on the hotel grounds. As the sun disappeared, the temperature dropped sharply. Chilled women were hurrying toward indoor warmth when some of them encountered Rita, wearing a full-length fur coat, and they complimented her on her foresight. “My dears,” she said dismissively, “when one comes to the desert, one brings one’s mink.”

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Not who you might think: Several Barristers have shared names with famous (or infamous) individuals: John Locke, Samuel Adams, Harry Reasoner, H.G. Wells, Jesse James. And one of the first members had a name that should appeal to a client: Hugh Miracle.

Husband and wife members: Marti and Jim Robinson, Judy Barrasso and Brent Barriere, Mary and David Maring, Sheila Block and Jim Seckinger, Patricia Seitz and Alan Greer, Jill and Jim Halbrooks, Judith Livingston and Thomas Moore.

Two-generation members: Jim and Ross Buchanan, Mark Robinson Sr. and Jr., C.L. (Mike) and Michael Schmidt, Bill Flaskamp and Jill Halbrooks, Guy and Dana Allison, Ron and Kevin Krist, Michael and Joshua Koskoff, Bob King Sr. and Jr., Charles Hvass Sr. and Jr., Jim and Steve Bruckner, William Martson Sr. and Jr. (Rick), Robert Cunningham Sr. and Jr., John and Graham Hill, Harry and Barrett Reasoner.

Three-generation members: the Koskoffs—Theodore (Ted), Michael, and Joshua.

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Not surprisingly, there have been, and are, wide regional variations of language and pronunciation among the Barristers: a strong New England accent from New Hampshire's David Nixon, a flat Texas twang from Tom Alexander, a British elegance from Gordon Slynn, and what might best be called Southern Mushmouth from Alabama's Billy McDaniel. Often in charge of fishing activities at seaside conventions, Billy's announcements were so "mushmouth" as to be nearly unintelligible, and they were frequently met with shouted responses such as "Take the worms out of your mouth!" His wife, Nancy, in charge of occasional bridge tournaments, would interpret what Billy had said before presenting her own information about table times.

On the subject of accents, the Society's 2001 president, Joe McLeod, of North Carolina, who has tried many of his cases in the Southeast, has said: "I always prided myself on being able to

distinguish the difference of persons from Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Texas. They are all slightly different. Florida doesn't really count since it is such mishmash!"

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Music has appeared from time to time among the Barristers:

Joel Boyden, with a wonderful tenor voice, sang "Danny Boy" many times, to great acclaim.

A *New York Times* music reviewer, having served as a murder-trial juror, likened his service as a juror to that of a music critic.

Jack Liber's sister, Judith, spoke of her time as principal harpist of the Israel Philharmonic Orchestra under Zubin Mehta and related geopolitics.

John Eaton, renowned jazz pianist, not only played selections from his repertoire but also spoke of popular music composers who were or who had intended to become lawyers.

More than once, John Crowder expertly channeled Elvis Presley at a Barristers' Friday evening dinner; and when the dance band's contractual time expired while there were still eager dancers, he himself paid the band to extend its time. Likewise, when other hired bands have wound down, virtuoso Peter Brodhead has moved to the piano bench and kept the Barristers dancing well into the wee hours to energetic honky tonk or rock 'n' roll.

At a Jackson Lake Lodge Board meeting, in Wyoming, several members and their spouses and children, including Hoys and Boydens and Reeds, gathered in the lobby after dinner and formed an impromptu singing group, which drew a considerable audience of hotel guests. With the Tetons nearby, it was a "Sound of Music" moment.