

# The Annual Convention of the

**T**he annual conference of the Association of Trial Lawyers of America was held in San Francisco in July and was attended by several thousand plaintiff lawyers, including a significant number of Australian members of APLA and lawyers from Europe, Asia and South America.

This annual event is well worth attending by Australian lawyers for a number of reasons.

First, the educational sessions are extremely informative and often of direct relevance to the practise of law in Australia, not only for those practising in the area of product liability, medical negligence and other areas of personal injury law. Of particular interest is the widespread use, at least in the United States, of 'demonstrative exhibits', including anatomical illustrations to depict the nature and extent of injury, accident reconstruction using models and/or computer graphics to highlight areas of negligent conduct, and various other visual techniques for quantifying and maximising the recovery of damages.

Sessions on jury selection and the use of focus groups are perhaps of less relevance to Australian lawyers given the diminishing role of juries in civil trials in Australia.

However, both budding and experienced advocates can derive considerable insight from sessions on trial advocacy and techniques of persuasion. As usual, this year's conference included a number of sessions and workshops by experienced trial lawyers focusing on aspects of advocacy, including the opening address, closing address, use of demonstrative exhibits, the use of experts, techniques of cross-examination of opposing experts, etc.

The educational program also included sessions on topics of interest to foreign (i.e. non-US) lawyers, including excellent papers presented by Queensland barrister and APLA stalwart

Gerry Mullins (on the air travel deep vein thrombosis {DVT} litigation) and Queensland solicitor, Kalista Gill (on compensating victims of crime in Australasia and Asia).



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In addition to the educational sessions, which are open to all conference attendees, one of the highlights of the conference was the extensive program of litigation group meetings on a wide variety of topics. This year's litigation group meetings encompassed approximately 70 subject areas including birth defects, birth trauma, breast cancer, child sex abuse, construction defects, diet products, electrical accidents, gas fires and explosions, herbicides and pesticides, laparoscopy, latex allergy, lead paint, low-speed impact collisions, nursing homes, orthopaedic implant devices, pharmacy liability, tap water burns, tyres, tobacco products, toxic moulds, toys and recreational equipment, vaccines, work place injury..... and the list goes on.

These are only able to be attended by registered members of the litigation group in question, given that the sessions often deal with sensitive and confidential information derived from recent and current litigation. Participants are able to obtain valuable information concerning expert evidence, depositions, discovered documents, trial strategies, defence strategies, recent settlements, recent verdicts, etc. Many litigation groups provide for their members detailed documentary information on CD-Rom including medical and expert witness documentation, and published medical and scientific literature. For a relatively nominal cost information can be obtained which would otherwise be unavailable or prohibitively expensive.

This year's program also included a number of sessions on political strategies to counter tort 'reform' initiatives, many of which are of direct relevance to Australia. APLA should ensure that key staff and executive officers attend future ATLA conferences, notwithstanding budgetary constraints.

Key note speakers at this year's conference included James Carville, former Chief Strategist for Clinton/Gore and Morris Dees, the inspirational founder of the Southern Poverty Law Centre in Montgomery, Alabama.

Those with an interest in party politics had an opportunity to meet in person many of the candidates for the Democratic Nominee for President of the United States in the forthcoming election, together with numerous politicians in office at both State and Federal level in the United States. Bill Clinton spoke at last year's conference.

Cutting edge developments in litigation were the subject

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of the two 'Litigation at Sunrise' sessions during the program for those who were able to get out of bed at 6:00am.

Various other meetings were organised for new lawyers, sole practitioners, paralegals, women lawyers, civil rights lawyers and special interest groups including in the areas of aviation law, business torts, criminal law, employment rights, family law, insurance law, international practice, product liability, professional negligence, railroad law, environmental torts, workers' compensation and workplace injury.

The Exhibitors Hall had displays and exhibitions from over 100 companies selling various litigation related products and services. These included those in various areas such as: legal publications, computer software, trial and practice management software, computer animations, settlement software, medical expert services, legal graphics, expert witness services in various speciality areas including economic loss assessment, engineering expert services, litigation finance services, marketing consultants, structured settlements, legal research services, medical imaging, medical record retrieval, document management, life care planning services for severely injured plaintiffs, case evaluation, jury selection and litigation support software, to name a few.

If all that was not enough to keep participants occupied, there was also the social program and a multitude of parties and receptions. These included the opening reception, the new lawyers party, the Trial Lawyers for Public Justice reception and dinner, the membership and awards luncheon, the party for children, the women trial lawyers' brunch, the civil justice dinner, the exhibitors reception, the reception for the ATLA President Elect, the party for foreign lawyers, the Civil Justice Foundation breakfast, the paralegal reception, minority caucus reception, the closing reception and the dinner dance.

In addition, for those whose alcohol intake required supplementing, there was the 'official' pub crawl of downtown San Francisco hotels, the low point of which (or high point, depending on your perspective) was a visit to the interestingly named bar 'Who's Your Daddy?'

If this all got too much, you could quietly attend the regular meetings of the 'Friends of Bill W' (an ATLA adaptation of Alcoholics Anonymous).

All in all, an enjoyable and informative if somewhat

exhausting experience.

Although there was a substantial Australian presence at this year's conference, especially from Queensland (including two legal academics from Bond University) the conference was not as well attended by APLA members as other conferences in the past.

APLA members should seriously consider attending next year's conference to be held in Boston in the period 3-7 July 2004. ATLA has discounted membership for foreign lawyers. To join the Association of Trial Lawyers of America, write to 1050 31<sup>st</sup> St. N.W. Washington DC 20007 or visit [www.atla.org](http://www.atla.org). You can't afford not to join. ■

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