From the Chair

Last spring, the Government Lawyers Committee formed a subcommittee on membership. I wanted to take this opportunity to thank that subcommittee for its work in attempting to recruit more members. I understand committee membership has increased to about 300 members. This increase can be attributed to the subcommittee’s efforts in reminding members of the need to re-join the Government Lawyers Committee every year and, also, in encouraging government lawyers who have never been members of the committee to sign on and participate. I thank all of you who were able to convince your friends and colleagues to join the committee. If you have any ideas to contribute to our campaign on increasing membership, please feel free to contact the membership subcommittee to get involved.

On another front, I look forward to seeing all of you at the Government Lawyers Committee annual holiday party on Dec. 13, at the Pennsylvania Bar Association. Please bring canned goods to benefit the YWCA of Greater Harrisburg.

Tom Ridge Receives ABA John Marshall Award

Former Pennsylvania Gov. Tom Ridge was named the first recipient of the American Bar Association Justice Center’s new John Marshall Award. According to U.S. District Judge Norma L. Shapiro, chair of the Justice Center coordinating council, the award recognized Ridge’s “extensive commitment to the administration of justice.” That commitment included Ridge’s push for merit selection, which has galvanized others around the country to renew their reform efforts.

Ridge was also credited for his support of legal services funding and a unified judicial system in the state and for his anti-crime legislation.

Ridge received the award at the 2001 ABA Annual Meeting in Chicago.

Pictured left to right are Pennsylvania Bar Association President-elect Timothy J. Carson; former Pennsylvania Gov. Tom Ridge; Pennsylvanians for Modern Courts Executive Director Lynn Marks; former General Counsel to the Governor Paul Tufano; and PBA President H. Reginald Belden Jr.

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In this Edition
There is no question that technology is influencing more aspects of our lives each day. From Palm Pilots to e-mail to digital signatures, technology is changing the way we as lawyers do business. As was inevitable, technology is also now having an impact in the courtroom.

In this edition, we are providing an overview of what it will take for lawyers and their offices to keep pace with the evolution of digital trial technology. As you will read, the key to successfully incorporating this technology into your trial strategy begins and ends with training.

On a lighter note, we will take you to a Hollywood movie set where we will catch up with one of the stars of an upcoming blockbuster: our very own government lawyer John Henderson. John and his son were cast to play alongside the likes of Jeff Daniels and Mira Sorvino in the movie Gods and Generals.

And to get you in the mood for the holidays, we invite you to join us at the annual PBA Government Lawyers Committee Holiday Reception and Food Drive on Dec. 13, at the PBA headquarters. We ask that you bring canned goods to benefit the YWCA of Greater Harrisburg. We look forward to seeing you at the reception.

Happy Holidays!

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Government Lawyers Make a Difference — One Can at a Time

Again this year, the Government Lawyers Committee is collecting canned goods for the YWCA of Greater Harrisburg at its annual holiday reception. The reception will be held on Dec. 13, at the PBA headquarters in Harrisburg.

In the past, we have collected hundreds of food items for this worthy charity and we are hoping once again to make the holidays a little brighter for the women and children living at the YWCA and for the families that depend on the YWCA’s services.
Heart Walk 2001

By Sarah Yerger, Deputy Attorney General, Office of Attorney General

The theme on Sept. 16 was: “They can break our buildings but they can’t break our hearts!” That was when the American Heart Association of the Capital Region sponsored its annual Heart Walk. In memory of the tragedy on Sept. 11, the national affiliate of the American Heart Association decided to give $200,000 of the national Heart Walk contributions to the 9/11 Disaster Relief Fund. Not only did the participants walk for friends and relatives who had been somehow affected by heart disease, but they also walked for the fallen rescue workers, firefighters, victims and their families.

As always, the government lawyers were represented. Walking for the Office of Attorney General team were Vicci Freimuth, Francis Filipi, Maryanne Lewis and Sarah Yerger. Our small team raised over $1,000 for the fight against heart disease and our presence sent a message about our unity against our nation’s No. 1 killer — heart disease.

Government lawyers are helping to make lives better for those less fortunate one event at a time. To get involved in these events, contact Laurie Kennedy or Suzanne Hueston, the social subcommittee chairs.

Making Strides Against Breast Cancer Walk

By Vicci Freimuth, Deputy Attorney General, Office of Attorney General

The Government Lawyers Committee of the Pennsylvania Bar Association participated again this year in the Making Strides Against Breast Cancer Walk in October. The team raised nearly $1,000 for cancer research. Among the many participants were Government Lawyer Committee members: Team Captain Vicci Freimuth, deputy attorney general, Office of Attorney General; Doreen McCall, deputy general counsel, Governor’s Office of General Counsel; Tracy McNamara, assistant counsel, Governor’s Office of General Counsel assigned to the Department of State and Sarah Yerger, deputy attorney general, Office of Attorney General. Although a windy and chilly fall day presented itself to our walkers, the event was enjoyed by all. Anyone interested in participating in the walk next year, please contact either Tracy or Vicci.

In the Spotlight

Compiled by Carol Mowery, Assistant Counsel, Governor’s Office of General Counsel assigned to the Department of Labor and Industry

Speaking Engagements

Patrick Bair, assistant counsel, Governor’s Office of General Counsel assigned to the Department of Environmental Protection, spoke at the annual meeting of the Pennsylvania Northeast Technical Center in State College in September. The topic was “Going to Work: Title I of the ADA.”

Jeffrey J. Wood, chief counsel, Governor’s Office of General Counsel assigned to the Department of Aging, presented a CLE on Elder Abuse to the Cumberland County Bar Association on Sept. 14.

Alexis L. Barbieri, executive deputy attorney general, Office of Attorney General, attended the National Association of Attorneys General Eastern Regional Conference on Competitive Electricity for the Northeast, in Boston on Nov. 5.

Frank T. Donaghue, chief deputy attorney general, Office of Attorney General, and director of the bureau of consumer protection, spoke on the topic of “Crime Prevention for Senior Citizens” at the Pennsylvania Commission on Crime & Delinquency’s 2001 Crime Prevention Conference on Oct. 3. Frank also participated in a panel discussion on the topic of Privacy/Consumer Protection at the American Bar Association, Antitrust Law Section, Fall Forum in Washington, D.C., on Nov. 15.

David Sumner, deputy attorney general, Office of Attorney General, participated in a panel discussion on the topic of Privacy/Consumer Protection at the American Conference Institute in New York City on Nov. 13.

Elections/Appointments

Robert DeSousa, inspector general, has been elected vice president of the 3rd Circuit of the Federal Bar Association. He had previously served as an officer in the Middle District of Pennsylvania chapter of the association. The FBA has over 15,000 members throughout the United States.

(Continued on Page 5)
Trial Technology: The key to lawyers’ using the latest tech advances in trying cases is broad-based training at all levels of attorney seniority.

By Jack M. Stover and Matthew C. Browndorf

For lawyers who are old enough to remember Perry Mason, it can be hard to let go of the image of the great litigator who goes into a courtroom battle with nothing but a legal pad and a brilliant mind. But those days, for better or worse, are over. Competition, jury expectations and plain old human progress have made technology and trials go hand in hand. As a consequence, many law firms are undertaking substantial investments in litigation-support technologies. But firms often discover that their litigators do not fully take advantage of expensive new systems or software applications.

This can happen when law firms fail to develop an adequate training strategy, and attorneys and legal assistants do not fully understand the benefits of the support technologies and consequently do not use them. This wastes not only money but also human and professional potential as well. Development of a comprehensive training plan can resolve this problem, and ensure that all attorneys who need the training truly absorb the information and skills they need to be competitive.

Training in new technology has often been done on an ad hoc basis. The key change in litigation-support technology training lies in the shift from educating a handful of attorneys and legal assistants within the firm — or from a reliance on outside consultants — to broad training of virtually all of the firm’s litigators and legal assistants. Such training is best seen as an integral part of every courtroom lawyer’s professional development, rather than as a rare or exotic bird pulled out only on special occasions.

Although many variations of support technologies exist on the market, most law firms select a discovery-management software and a case-presentation software as the basic technologies to support litigation efforts.

When a discovery-management software is selected by a firm, various levels of training should be offered to every litigator and litigation legal assistant to develop a firm-wide understanding of the software and its capabilities.

An example, for discussion purposes, is training for Summation Legal Technologies’ Summation Blaze, version 2.1, for discovery software. Attorney and legal-assistant training for the software is divided into two levels: a threshold level for senior litigators and an enhanced level for younger litigators and legal assistants. Every litigator and litigation legal assistant is encouraged to participate in at least one level of training.

The threshold level of training is designed to include education on how the discovery-management software organizes materials, how attorneys must define issues for effective use of the software, what functions the software can actually perform and constraints in the use of the software. The threshold training also focuses on the ability to access data compiled with the use of the software and appropriate staffing levels for use of the software in a given case. Without this type of overview training, senior attorneys cannot make informed decisions in using the technology.

Because of the extensive number of functions performed by discovery-management software and because the software continues to evolve in new versions, training for this type of technology may best be acquired through vendors from outside the law firm. A few caveats: A vendor should be certified by the developer of the software; and the vendor should have a set schedule of fees. Fees should be reviewed for the number of training classes that will be required within the firm at different levels, showing the full cost of the outside expertise.

The vendor, however, also should be evaluated for its ability to communicate with attorneys and legal assistants. The success of any training program is largely predicated on the ability of the course leaders to communicate clearly with the participants. If trainers speak in technical jargon that is not understood by participants or move too quickly through program materials, the training effort will be ineffective.

Making one’s case

Training in the use of case-presentation technology can also be offered at multiple levels. A threshold training level should be geared to familiarize attorneys and legal assistants with the capabilities of the software, the practical requirements for its use and potential objections or problems. An advanced training level should focus on hands-on operation of the software and preparation of evidence for use with the software.

One approach is to offer both the threshold and advanced training levels to attorneys and legal assistants in the firm. InData Corp’s Director Suite, version 2.3, offers an example of a frequently-used case-presentation software, for discussion purposes. All litigators firm-wide should be encouraged to enroll in at least one level of training.

Threshold-level training includes a demonstration of all of the features of the software. Unless participants see the features with their own eyes, they will not understand all of the courtroom document special effects such as color highlighting, enlargement, underlining, document scrolling, document rotation and freehand writing on the document. Threshold training also covers presenting video-
tape testimony, impeachment of witnesses by use of videotape clips, use of animation, timelines and demonstrative evidence.

Initial training includes instruction on hardware configurations, emphasizing how equipment, including monitors and projection screens, can be configured for the particular trial courtroom.

This first level of training also includes an emphasis on the schedule of events that must occur if case-presentation technology is to be used effectively. Users of the technology should understand which decisions must be made from inception of the case to trial, and the time frames for implementation of those decisions that are required if case presentation technology is used. Attorneys need to ask themselves: Is the technology suitable for a given case? Will the court permit it to be used? Do the local court rules limit its potential use? One should also consider the timing of related disclosures to opposing counsel and the court and coordination of use of the technology with other counsel who might use incompatible technologies.

Threshold training also includes an explanation of the digitizing of evidence so that it is in computer-readable formats. One needs to understand the time frame for digitizing to insure that trial plans are not impeded by an inability to timely secure digitized materials.

Importantly, threshold training should include a review of potential objections to the use of technology in the courtroom. This review of objections emphasizes authenticity and potential unfair-prejudice issues. General resources for information on such issues include case law under Federal Rule of Evidence 403 and various professional commentaries on technology use in law reviews. Local court rules may affect the outcome of such objections.

**High-tech, big picture**

After a law firm completes training a significant number of its attorneys and legal assistants in basic litigation-support technologies, it should plan on incorporating litigation technology as part of the firm’s in-house continuing education programs. For example, firms might want to use an annual litigation department meeting to showcase new developments in litigation. It can be highly beneficial for such meetings to focus heavily on numerous aspects of litigation technology that complement the detailed training programs being implemented by the firm.

Law firms are not the only training grounds. Anecdotal evidence already demonstrates that law school curricula are beginning to include introductory presentations in trial advocacy courses. Pennsylvania State University’s Dickinson School of Law, for example, has recently included a trial-presentation technology lecture as part of its advanced advocacy course. The law school is also exploring the best means of making available litigation-support technologies for educating its students before they enter the practice of law. Training programs within law firms in the future will build on the likely expansion of law school programs.

Educating a much larger group of attorneys and legal assistants in litigation support technologies will significantly increase the use of these technologies, and give well-trained lawyers a key competitive edge.

Mr. Stover is a member of the board of directors, vice chairman of the litigation section and chairman of the litigation technology working group at Pittsburgh’s Buchanan Ingersoll and resident in the firm’s Harrisburg office. His e-mail is stoverjm@bipc.com. Mr. Browndorf, also of the Harrisburg office, is a member of the firm’s litigation section and is a member of the litigation technology working group. His e-mail is browndorfmc@bipc.com.

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**In the Spotlight**

(Continued from Page 3)

**Serving in the Armed Forces**

The following government lawyers have served or are actively serving our country in the armed forces:

Robert DeSousa, inspector general — captain in the Judge Advocate General’s Corps.

Ted Lorenz, deputy attorney general, Office of Attorney General — reservist.

Peter Von Getzie, assistant counsel, Governor’s Office of General Counsel assigned to the Department of Labor and Industry — first lieutenant, legal services officer.

Robert Cameron, assistant counsel, Governor’s Office of General Counsel assigned to the Department of Labor and Industry — captain in the Judge Advocate General’s Corps, operations law attorney.

William A. Slotter, senior deputy attorney general-in-charge, Office of Attorney General — headquarters commander for COMSFOR (Commander of Stabilization Forces).

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Lights … Camera … Government lawyers? Department of State Chief Counsel John T. Henderson Jr. has (briefly and temporarily) given up his day job providing legal advice on elections, corporations and professional licensure for the glamour of the silver screen. John and his son Joseph are extras in the $51 million Ted Turner Pictures’ Civil War movie Gods and Generals. The movie, which is the prequel to the 1993 release Gettysburg, tells the story of the days leading up to the 1863 Battle of Gettysburg and is due to be released in late 2002 or early 2003. Gods and Generals is based on the novel of the same name by Jeff Shaara, the son of Michael Shaara. Michael Shaara authored The Killer Angels, the novel upon which Gettysburg was based.


John and Joseph were recruited to appear with this all-star cast through their membership in the 83rd Pennsylvania Volunteer Infantry, a Union Civil War re-enactment unit. John and Joseph will spend a total of eight days filming near Hagerstown, Md., and Harper’s Ferry, W.Va. Their scenes include the battles of First Manassas, Antietam, Fredericksburg and Chancellorsville.

Although they are used to being Union Army re-enactors, John and Joseph had to make the strange adjustment to being Confederate soldiers in some of their scenes. Rebel uniforms, while feeling odd, helped them look and act the part. A side benefit of their stint as Confederate soldiers was that John and Joseph had the opportunity for some close-up scenes with Stephen Lang as Gen. Jackson.

(Continued on Page 8)
Making a Contribution

A Profile of Jodi L. Zucco-Flitton, Deputy Attorney General, Office of Attorney General and Major Judge Advocate, U.S. Army Reserves

By Maribeth Wilt-Seibert, Assistant Counsel, Governor’s Office of General Counsel assigned to the Department of Labor and Industry

Jodi L. Zucco-Flitton knew that her legal career had to satisfy a core set of values involving “honor, integrity, dedication, hard work and putting the mission ahead of yourself.”

She has satisfied this desire by serving as a deputy attorney general in the Bureau of Consumer Protection of the Office of Attorney General, and as a major in the Judge Advocate General’s Corps (JAG) of the U.S. Army Reserves. This unique contribution of experiences allows Zucco-Flitton to contribute to the public welfare at the state, national and international levels.

As deputy attorney general, Zucco-Flitton assists in the enforcement of the Unfair Trade Practices and Consumer Protection Laws. She works to enforce consumer-oriented statutes pertaining to the purchase of consumer goods and services. Zucco-Flitton enjoys working with the National Association of Consumer Agency Administrators, as well as the attorneys general in other states. Among the consumer-related issues that Zucco-Flitton handles are those that arise as a result of the abuse of technological developments in the marketplace. In addition, she focuses on the protection of the elderly and health care issues. Zucco-Flitton is involved in these issues on three levels: consumer education, mediation and litigation. She finds representing the commonwealth extremely rewarding.

After obtaining a Bachelor of Arts degree from Indiana University of Pennsylvania in criminology/pre-law, Zucco-Flitton entered the Widener University School of Law where she obtained an internship with the JAG in Germany. Upon graduation in 1989, Zucco-Flitton joined the Judge Advocate General’s Corps of the U.S. Army. In 1997, after seven years of service, she accepted a position with the Office of Attorney General in the Bureau of Consumer Protection.

Zucco-Flitton continues to serve in the U.S. Army Reserves as a JAG officer and currently holds the rank of major. As such, she provides legal services to military personnel at the U.S. Army Barracks in Carlisle. She also recently attended the Command and General Staff College where military officers of various military specialties learn how to work with each other in tactical situations. The legal staff works to interpret the Geneva Convention as it applies to tactical decisions during military actions. Zucco-Flitton states that she is “very fortunate to be engaged in work that she finds fulfilling and which keeps her challenged professionally.”

The American Bar Association Government and Public Sector Lawyers Division presents the

Public Law Office Management Conference
April 12-13, 2002
Sheraton Gunter Hotel, San Antonio, Texas

The ABA Government and Public Sector Lawyers Division will present this conference for public lawyers from a wide variety of public law offices across the nation. The conference will provide a forum for public lawyers to meet and share ideas for running a successful office. This is a great opportunity to learn what your colleagues are doing to run efficient and cost-effective public law offices.

Topics include: Establishing an Effective Legal Team Technology in the Public Law Office — Hiring and Firing Legally Information for Clients and the Public — Services Provided by the Office — Dealing with the Media

We invite you to attend the conference, and while you are there enjoy everything that San Antonio has to offer: from the historic Alamo to the marvelous shops at La Villita to the best Tex-Mex food in the Lone Star state.

For more information or registration materials, please contact Theona Salmon at 202-662-1023 or salmont@staff.abanet.org.

If you would like to learn more about co-sponsoring the conference, please contact Susan Kidd at 202-662-1022 or susankidd@staff.abanet.org.

Subcommittee Reports (Continued from Page 6)

On Dec. 13, the subcommittee will sponsor the annual PBA Government Lawyers Committee holiday reception and food drive at the PBA headquarters in Harrisburg. The food drive will benefit the YWCA of Greater Harrisburg. We look forward to seeing you at the reception.

The subcommittee also plans to participate in the holiday gift-wrap program at the YWCA. The committee received such an overwhelming response from committee members to the YWCA’s request for volunteers to wrap gifts last year that the YWCA was unable to accommodate all of the members who expressed an interest in volunteering. Therefore, this year, the subcommittee will also participate in the holiday gift-wrap program to benefit the United Cerebral Palsy.
A Star is Born

(Continued from Page 6)

The filming itself was not all champagne and caviar. Days of filming were long and arduous. John and Joseph were awakened by reveille at 6 a.m., followed by a large breakfast, formation, then make-up and wardrobe. They then marched out to the filming site for numerous takes and re-takes. The advantage was the chance to see, close-up, how movies are made, including the multiple cameras, pyrotechnics and the role of stunt men. Filming wouldn’t usually wrap up until late into the evening, with the whole schedule starting again the next morning.

For one scene, John and Joseph were chosen to be part of an artillery battery. If the next time you are talking to John and he doesn’t seem to hear you, it may be due to his experience of being next to six cannons firing all at once — all worth the sacrifice for the chance to be a part of movie magic.

So, if you happen to see Gods and Generals, be sure to look for John — he might be a Union soldier, a Confederate soldier, a Union artilleryman, or a dead body lying in the field. Who knows, John might be the first government lawyer nominated for an Oscar! And we can all say that we knew him when …

Stay Tuned

Dec. 11 E-COMMERCE: LEGAL & PRACTICAL ISSUES
Regional Enterprise Tower, Pittsburgh
8:30 a.m. — 4:30 p.m.

Dec. 13 GOVERNMENT LAWYERS COMMITTEE
HOLIDAY RECEPTION & FOOD DRIVE
PBA Headquarters, Harrisburg
5:30 p.m. — 7:00 p.m.

Dec. 14 E-COMMERCE: LEGAL & PRACTICAL ISSUES
PBI/PBEC Education Center, Philadelphia
8:30 a.m. — 4:30 p.m.

Jan. 23-27 PBA MIDYEAR MEETING
Cancun, Mexico

Mar. 15 TRIAL TACTICS, TIPS & TECHNIQUES 2002
PBI/PBEC Education Center, Philadelphia
8:30 a.m. — 4:30 p.m.

Mar. 21 STATUTORY DRAFTING
(“Including But Not Limited to”)
PBI Conference Center, Mechanicsburg
3:00 p.m. — 7:00 p.m.

Mar. 26 TRIAL TACTICS, TIPS & TECHNIQUES 2002
PBI Conference Center, Mechanicsburg
8:30 a.m. — 4:30 p.m.