

Civil Litigation Section
2010-2011 Year-End Report
Submitted by: Dennis J. Kusturiss

In accordance with the requirements of the Civil Litigation Section Bylaws, it is my pleasure as the outgoing Chair of the Civil Litigation Section to report to you on the Section's activities between July 1, 2010 through June 31, 2011. Two projects which were started during the prior year, the posting of the individual Civil Division trial judges' courtroom practices and the juror video project for the Court of Common Pleas website were completed. The courtroom practices will, however, be an ongoing project as it will have to be updated as the judges change.

In October the Section held its Annual Lunch with the Judges at which the Professionalism Award was awarded to Vince Grogan. The event was a success and had the largest turnout of both judges and members ever. In addition to the Professionalism Award, the Section also recognized Judge Strassburger for his many years of service.

Council formed a committee to review Judicial Opinion's for the ACBA's Communication Department to determine whether or not they should be published in the Pittsburgh Legal Journal on line. This will be an ongoing project.

A committee was formed at the request of Gary Hunt, President of the ACBA to review and offer Council's opinion on House Bill No. 1 that would alter current PA Civil Practice by adopting a strict percentage liability system. The Committee, and then Council, recommended that the Board of Governors adopt a resolution to support HB500 which was introduced as a compromise to HB1 and SB2 relating to joint and several liability. The recommendation was adopted by the ACBA Board of Governors.

The Section sponsored its annual Sound Off at the Bench Bar Conference which was well attended and at which program the state of the Civil Division was reported on by Judge Folino and a short presentation was made in a point – counter point format concerning the merits of additure and the Civil Division Judges having individual calendars.

The Section sponsored its annual Spring CLE Smorgasbord covering the topics of Economic Damages: Lost Profit Determinations, An Overview of Trade Secret Law, Compliance with Medicare Secondary Payer Statue and How to Transition a Practice. We also held two non-CLE Credit Lunch and Learns during the year.

Council is presently providing input and consultation with the ACBA Legal Technology and Discovery Committee for an e-discovery CLE to take place after September, 2011.

The Section engaged in charitable work by providing and serving lunch to the elderly at the Smithfield United Methodist Church Food Bank in December and in the same spirit increased its contribution to the Attorney's Against Hunger Campaign to \$3,000.

Pursuant to requests by personnel working for the Civil Division, Council consulted with the Civil Division Judges and looked into the possibility of obtaining internet access for prospective jurors waiting in the Assignment Room and obtaining assistance for the Motions Clerk dealing with pro se litigants. Obtaining a timing device for use by the Supreme and Superior Courts during oral arguments was also explored.

The Section sponsored four employees from the Court at the Bench Bar Conference. They were Tony Bagnato, Clare Beckwith, Mary Hertzberg and Ana Majocho.

During the year, two Council members left and were replaced. One of the members who left was in her last year and the second had two years left. Both appointees were elected by the Section at its annual meeting during the Bench Bar Conference.

Council considered increasing Section dues but decided that an increase was not necessary as the Section is still financially sound. Civil Litigation Section dues is one of the lowest of all of the large Sections of the ACBA. The Section remains financially sound due to its large membership.

Finally, in accordance with the ACBA goal, this past year diversity participation in Council was increased.