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FOIA MARKER

This is not a textual record. This is used as an administrative marker by the George Bush Presidential Library Staff.

Record Group/Collection: Dan Quayle Vice Presidential Records
Collection/Office of Origin: Deputy Chief of Staff's Office
Series: Porter, Richard W., Files
Subseries: Subject Files

OA/ID Number: 21806
Folder ID Number: 21806-020a

Folder Title:
Civil Justice Reform Roundtable [1]

Stack:	Row:	Section:	Shelf:	Position:
G	34	6	6	6

Withdrawal/Redaction Sheet (George Bush Library)

Doc. No. / Type	Subject/Title	Date	Restriction	Classification
01. Biography	Re: Thomas N. Sellers; Personally Identifiable Information redacted. (1 pp.)	n.d.	(b)(6)	

Page 1 of 1

Collection:

Record Group: Quayle Vice Presidential Records
Office: Deputy Chief of Staff's Office
Series: Porter, Richard, Files
Subseries: Subject Files
WHORM Cat.:
File Location: Civil Justice Reform Roundtable [1]

Pinksheet Number: RML16278
OA/ID Number: 21806-020a
Date Closed: 8/29/2025
FOIA/Sys Case #: 2025-0878-F
Re-review Case #:
P-2/P-5 Review Case #:

EVENT OUTLINE

Civil Justice Reform Roundtable
30-40 minutes

1. 30-40 people

Attendees should include:
Business - large and small
Chamber of Commerce
Civic Leaders
Legislators
Lawyers
Policy Makers
Academicians
Consumer Groups
Letters - OVP mail

2. Photo opportunity

Official photographer

3. Group sits down

4. Press photo opportunity
Press leaves
Meeting begins

5. Round table begins

VP Introduced by local leader

VP remarks: problem, solution, intended action, request
(5-7 minutes)

Discussion: Informal Q & A, horror, suggestions for change,
3 or 4 people ready to jump in (no scripting)

6. Request for assistance

spell out follow-up efforts

7. Event ends

Liaison Assignments (Barbara)

Issues: Contact/Host/Invitations/Venue/Costs

1. Find contacts - host

Clear with:

Kremer

Pitts

Howard

DOJ

cc: Kristol

Hubbard

2. Scheduling office calls contact to accept officially
Times, dates

3. Contact works with liaison officer

a. Identifies potential invitees

b. Clears invitees with:

Kremer

Pitts

Howard

DOJ

cc: Kristol

Hubbard

c. Issue invitations

OVP must clear all invitees and all written material
(correspondence, invitations, public relations)

4. List of acceptances to OVP must include:

Full name

DOB

SSN

Business affiliation

Address

Telephone numbers

Bio/resume

5. List goes to:

Secret Service

Data Base

Briefing paper

Howard

Kremer

Briefing two days before event:

1. Status of legal reforms/PL reform in state
 2. State horror stories
 3. Cases filed each year in state
 4. General make-up to participants
 5. Host bio/resume
- Talking points
 - Q & A
 - List of attendees
(check with Scheduling for prior contacts)

Follow up:

Personal notes

Thanks to host

Form letter to attendees

Mail photographs (identify photographs)



OFFICE OF THE VICE PRESIDENT

WASHINGTON

October 11, 1991

CIVIL JUSTICE REFORM ROUNDTABLE

DATE: October 15, 1991
LOCATION: The Hyatt Regency
Columbus, Ohio
TIME: 9:30 a.m.
FROM: John L. Howard ^{JH}

I. PURPOSE

This event provides an opportunity to discuss the Council on Competitiveness Report "Agenda for Civil Justice Reform in America" with some of Ohio's state legislators, civic leaders, and businessmen. It also provides an excellent forum to discuss our implementation objectives and to seek a commitment for assistance.

II. BACKGROUND

This grassroots group represents a cross-section of the Mid-Ohio community, including representatives from business and industry, state legislators, doctors, judges and law enforcement officials. Other participants include two individuals who wrote following your speech to the American Bar Association to express their support.

In 1987, the Ohio legislature enacted legislation having two elements of the Council's recommendations for punitive damages; it increased the burden of proof for punitive damages to clear and convincing evidence and provided that punitive damage awards be assessed by the judge. That tort reform bill also eliminated joint and several liability for non-economic damages when the plaintiff is also at fault and codified the consumer-expectancy standard in design defect cases.

That year the legislature also passed a medical malpractice reform bill which provided immunity to volunteers of non-profit hospitals. It also extended the statute of limitations to claims against additional categories of physicians and health care workers.

These successes were partly due to the support of the Democratic Speaker of the House. When his hometown had to cancel its 4th of July celebration due to fear of liability, the Speaker reportedly became an advocate of tort reform.

Since the 1987 activity, no other significant pieces of legislation in this area have received serious consideration. The group assembled is eager to assist in with Civil Justice Reform.

III. PARTICIPANTS

The Vice President
William G. Batchelder, III, State Representative
Keith McNamara, Ohio Chairman, Bush-Quayle '88

IV. OUTLINE OF EVENTS

9:25 a.m.	Arrive Hyatt Regency, Proceed to Madison Room
9:30 a.m.	Begin Roundtable
10:10 a.m.	Conclude Roundtable

V. PRESS PLAN

Press Availability - Photo Opportunity Only
Closed Press during Roundtable
Press Availability after Roundtable

VI. ATTACHMENTS

Talking Points
Questions and Answers
List of Participants

VII. FOLLOW-ON ACTION REQUIRED

Thank You Notes
Mail Photographs

REMARKS OF THE VICE PRESIDENT

ROUNDTABLE MEETING -- OHIO GRASSROOTS MEETING

Thank you, [Bill Batchelder], and thank you all very much.

It's great to be here in Columbus today.

- o Thomas
- o Lawyer/Newspaper -- Barbara Walters

The United States the only remaining superpower.

- o keeping pace with all the challenges facing us.
- o President's speech -- framework for deterrence and peace.
- o we have to continue working at problems here at home.

We are the world leaders in the marketplace.

- o Our economy is more than twice as large as any competitor.
- o Still, we have some competitive disadvantages.
- o Some are from trading partners; others come from inside.
- o Role of Council on Competitiveness

I'm here today to ask for your help with Civil Justice Reform.

- o ABA Speech
- o Impact on economy, and ability to compete.
- o Foreign companies have lower product liability costs.
- o We also have higher prices for some everyday items,
- o And some beneficial products never come to the market.
- o We have 70 percent of the world's lawyers.
- o System costs an estimated \$300 billion dollars a year.

There are things we can do:

- o Work to fight legislation makes unnecessary litigation
- o Institute policy reforms -- product liability or malpractice
- o Move ahead with the Council's 50 reform proposals.
- o Each is aimed at reducing the costs and delay in lawsuits.
- o Most can be done at the state level.

They include:

- o Empowerment and Choice -- the "multi-door courthouse"
options other than formal litigation
- o Discovery reform -- prevent delay and harassment
disclosure of core information
payment of the other side's production costs
- o Expert Evidence Reform -- eliminate "junk science"
require widely accepted theories
no contingency fees for experts
- o Fairness Rule for Attorney Fees: the loser pays rule
simple matter of fairness and incentives
encourages more careful case evaluation
reduce the numbers of frivolous/harassment cases

These reforms work in both the Federal and State systems.

But one requires State action -- reform of punitive damages.

- o Punitive damages - for outrageous conduct only.
- o Needs to be rational - not random
- o Limit on punitive damage award to compensatory damages.
- o California - 1 in 10 jury awards now includes punitives.

The reforms we've proposed are sensible and well-considered.

- o Response - bushels of letters from everyday people
- o 100 to 1 in favor
- o America is saying: "we like these ideas. Please follow up!"

Here's what we are doing.

- o Federal legislation.
 - fairness rule, multidoor courthouse, federal courts.
- o Executive Order -- apply to federal litigators.
 - no junk science
 - review of discovery requests
- o Rules Changes -- Rules of Civil Procedure/Evidence
 - pretrial discovery and expert evidence
 - will require action by the Supreme Court

It's important to move our reforms forward at the state level

- o Model State Statute and Model State Rules
- o I've met with the National Conference of State Legislators.

We've gotten off to a good start.

- o I am committed, and so is the administration.

We need your help with a grass-roots campaign to finish the job.

Please push hard in Ohio.

This is not a partisan issue, no matter how hard some will try.

- o all know the system needs change.
- o No more excuses from those who exploit the system.
- o American people understand issues and want results.

Results are what we'll get -- and that's where you come in.

- o We need your help.
- o Talk about Civil Justice Reform in your communities
- o Reach out to your state senators and representatives,
- o Tell your congressman and senators what you think.

We have to be energetic/committed/and work for reform.

We need to scale back a self-inflicted competitive disadvantage.

As always, it's good to have you on board.

Thank you all very much.

QUESTIONS AND ANSWERS

DISCOVERY REFORM

Is it "fair" to limit discovery?

- o 80% of cost and time in a lawsuit is discovery
- o discovery is often used as a "weapon" not to find facts
- o the proposals allow for sufficient "free" discovery

Why are you making people pay for discovery?

- o provides incentives for thorough case evaluation
- o discourages discovery as a weapon
- o provision can be waived by court for "good cause"

How did you determine discovery limits?

- o we don't suggest specific numerical limits
- o many federal judges already set limits on interrogatories

How will disclosure solve discovery problems?

- o provides basic information needed to plan the case
- o eliminates unnecessary filings and delay

Why is discovery needed at all?

- o there is some benefit in "trial by truth" but it would require more trials, and the system is already overloaded
- o discovery is useful for the parties to assess their cases

EXPERT EVIDENCE

What do you mean by "widely accepted" theories?

- o we would eliminate "junk science" that has no foundation
- o a consensus is not required, only corroboration in the scientific community

Won't this limit "good" cases?

- o we aim at the "expert for hire" who changes opinions for the highest bidder
- o if there is substantial scientific support, the expert can still testify

ENGLISH RULE

Won't this limit access to the courts?

- o plaintiffs must choose to use the English Rule by bringing their cases under federal court diversity jurisdiction
- o if plaintiffs don't want the English Rule, they can go to state court

Isn't the English Rule unfair?

- o "loser pays" is similar to equitable "make whole" remedies
- o the prevailing party is restored to his original position
- o the English Rule will deter frivolous lawsuits, but because it pays attorneys fees, it provides an incentive for plaintiffs to pursue meritorious claims

(Critics almost always assume that the plaintiff is an indigent victim who will lose the lawsuit. Ask them if the rule is unfair when the indigent victim wins.)

Why is it only a test?

- o the proposal is a major change to the legal system
- o should make incremental changes

PUNITIVE DAMAGES

Isn't the proposed limitation on punitive damages unfair to victims?

- o punitives are societal deterrents - not compensation
- o victims would still receive all compensatory damages
- o punitives still available, subject to 1x cap

Is the proposed reform workable?

- o proposal, unlike common law, is coherent and rational
- o several states have similar limitations

ADR

Would ADR really increase access to the courts?

- o ADR provides quicker and cheaper decisions
- o people have more choice for resolving disputes

Isn't ADR really just another bureaucratic layer standing between litigants and a judge?

- o proposals only require parties to consider ADR - actual use of ADR is purely voluntary
- o encourages parties to evaluate their cases

IMPLEMENTATION

What are your next steps?

- o the Justice Department is drafting legislation
- o we will be working with the Congress and the courts
- o also with lawyers who want to help change the system

How does this differ from existing legislative proposals?

- o we recommend action, not further study
- o we introduce "market-type" discipline into the procedural system

Will the bill/rules changes pass?

- o we are optimistic
- o the time has come for change

MISCELLANEOUS

What are you saying about the professional prospects for aspiring lawyers such as ourselves?

- o the law is a noble profession
- o don't forget professional obligations to client and to the legal system
- o legal training should be used to resolve, not prolong, disputes
- o there will always be a need for competent, hardworking, and client-oriented counsel

What about the ABA reaction? - Weren't you asking for a hostile reception?

- o the ABA represents many of America's lawyers
- o most lawyers acknowledge there is a problem, and I heard from many of them both in Atlanta, and afterwards
- o some disagreement is always expected
- o I think that when the ABA actually reads the report, they will be of assistance

Why did you "lawyer bash" at the ABA?

- o I didn't lawyer bash
- o I told people the truth - that the legal system takes too long and is too costly
- o I honestly believe that lawyers will be part of the solution

Where did you get your data/support?

- o the Justice Department did much of the work
- o the Solicitor General spearheaded the project

What is the true cost of the civil justice system?

- o we've asked several people what the system really costs
- o one estimate is \$80 billion in direct costs and \$300 billion in indirect costs
- o difficult to calculate cost of time and lost opportunities
- o reported figures have the costs somewhere between what America spends on cars and on food.

Are market incentives appropriate in the legal process?

- o people respond to market incentives
- c market discipline works in regulation, and will work here

What do outside experts think about these reforms?

- o we consulted many experts in preparing the reforms
- o most think that the package is solid and workable
- o more importantly, I've heard from the actual consumers of legal services, and they are saying "this is needed, this will help"

PARTICIPANTS IN COLUMBUS CIVIL JUSTICE REFORM ROUNDTABLE

TUESDAY, OCTOBER 15, 1991

COLUMBUS, OHIO

William G. Batchelder III
State Representative (R), Lawyer
Medina, Ohio

Host

Keith McNamara
Attorney, McNamara & McNamara
Ohio Chairman, Bush-Quayle '88
Columbus, Ohio

N. Victor Goodman
Attorney for Ohio Building Trades Union
Columbus, Ohio

Carol Lee Ball
CEO Ball Publishing
NFIB - Legislative Liaison Board,
U.S. and Ohio Chamber of Commerce
Greenville, Ohio

Ralph Frasier
General Counsel and Secretary
Huntington Bancshares
Columbus, Ohio

Nodine Miller
Securities Lawyer
Columbus, Ohio

James A. Morgan
Senior Vice President, Secretary, and
General Counsel, Rubbermaid Corporation
Chairman, Ohio Manufacturers' Association
Wooster, Ohio

I. John Reimers
President
Ohio Chamber of Commerce
Columbus, Ohio

Anthony M. Panzica
President, Panzica Construction Co.
Mayfield Village, Ohio

Robert Seeger
President, Gem Industrial
V.P. Rudolph-Libbe, Inc.
Walbridge, Ohio

Ronald J. Suster
State Representative (D)
Cleveland, Ohio

Richard Welsh
General Counsel
Westfield Insurance Corporation
Westfield Center, Ohio

Robert L. Bailey
President and CEO
State Auto Insurance Co.
Worthington, Ohio

Stephan W. Stover
Administrative Director (R)
Ohio Supreme Court
Columbus, Ohio

David Reynolds
President
Plumbers & Factory Supplies, Inc.
Columbus, Ohio

Frank D. Ray
District Director (R)
U.S. Small Business Administration
Columbus, Ohio

Judge Donna Bowman
10th District Court of Appeals
Columbus, Ohio

S. Michael Miller
Franklin County Prosecuting Attorney (R)
Court House
Columbus, Ohio

G. Kenner Bush
Publisher, Athens Messenger
Chairman, Ohio Chamber of Commerce
North Athens, Ohio

Harold T. Duryee
State Insurance Commissioner (R)
Columbus, Ohio

William J. Lhota
Executive Vice President
Operations AEP Service Corp.
Columbus, Ohio

Honorable Patrick M. McGrath
Judge, Franklin County Common Pleas Court
Columbus, Ohio

Honorable Tom J. Moyer
Chief Justice (R)
Supreme Court of Ohio
Columbus, Ohio

Michael F. Colley
Franklin County Republican Chairman and
National Committeeman for Ohio
Columbus, Ohio

Frank Cremeans
President, Cremeans Concrete & Supply, Inc.
Gallipolis, Ohio

Has met with Jim
Pitts; Host of Event
in Gallipolis, Ohio
on 10/13/90

James D. Gilmore
Vice President and General Manager
Concrete Division, Kuhlman Corp.
Toledo, Ohio

Bill Williams
Owner, Marble Gang Restaurant
Columbus, Ohio

Kurt Tunnell
Chief Legal Counsel
Office of the Governor, State House
Columbus, Ohio

Honorable Betty Montgomery
State Senator (R)
Perrysburg, Ohio

John F. Wolfe
Publisher, Columbus Dispatch
Columbus, Ohio

Mr. Lynn C. Slaby
Prosecuting Attorney, Summit County (Akron)
Bath, Ohio

Dale N. Van Vyven
State Representative
State Capitol
Columbus, Ohio

Harry E. Featherstone
President and CEO
The WILL-BURT Company
Orrville, Ohio

Gordon McCutchan
Senior V.P., General Counsel, and
Secretary, Nationwide Insurance Co.
Columbus, Ohio

Claire V. Wolfe, M.D.
Doctor of Physical Medicine
Dublin, Ohio

Joseph Sudimack, Jr., M.D.
President, Ohio State Medical Assoc.
Worthington, Ohio

Louis Paisley
Weston Hurd Fallon Paisley & Howley
Cleveland, Ohio

Charlie Oellerman
Jones Day Reavis & Pogue
The Federalist Society
Columbus, Ohio

Gilbert Manchester
Secretary, General Counsel
Commercial Intertech Corp.
Youngstown, Ohio

John J. Chester
Chester, Hoffman, Willcox & Saxbe
Columbus, Ohio

Julia F. Johnson
Chester, Hoffman, Willcox & Saxbe
Columbus, Ohio

David F. Williams
Chairman
The W.W. Williams Company
Columbus, Ohio

Everett L. Murch
Manager, Eastern Great Lakes Region
State Government Relations
General Electric Company
Columbus, Ohio

Thomas F. Davis
Administrative V.P. and General Counsel
Ashland Chemical, Inc.
Columbus, Ohio

Andrew E. Doehrel
Executive Vice President
Ohio Chamber of Commerce
Columbus, Ohio

Charles Jakob
The Federalist Society
Student Chapter - Ohio State University
Columbus, Ohio

Judge Alice Batchelder (wife of Bill Batchelder)
U.S.D.C., N.D. Ohio
Medina, Ohio

Nominated by
President Bush
to Sixth
Circuit Court
of Appeals.
Awaiting Senate
confirmation.



OFFICE OF THE VICE PRESIDENT

WASHINGTON

February 3, 1991

Civil Justice Reform Briefing

DATE: February 4, 1992
LOCATION: OEOB Office and Room 450
TIME: 10:00 a.m.
FROM: John Howard *JH*

I. PURPOSE

To announce that the Administration will introduce the "Access to Justice Act of 1992" to implement recommendations from the Agenda for Civil Justice Reform in America. You will meet with founding members of the Citizens for Civil Justice Reform (CCJR) for a photo opportunity and then make brief remarks to approximately 150 members of the American Tort Reform Association (ATRA) and CCJR in Room 450. After the Room 450 event, you will proceed to the Senate office to join Senator Grassley and Congressman Fish at a press conference to announce the legislation's introduction.

II. BACKGROUND

The Access to Justice Act of 1992

The "Access to Justice Act of 1992" represents the second step in the Administration's implementation of the Council on Competitiveness report Agenda for Civil Justice Reform in America. The legislation includes:

- Multidoor Courthouses for Alternative Dispute Resolution
- Pre-Litigation Notice of Claims
- "Fairness Rule" for Attorneys' Fees in Diversity Cases
- "Fairness Rule" available when U.S. is a party
- Cost of Living Adjustments for Diversity
- and Equal Access to Justice Act
- Reform of the Judicial System
- restore judicial immunity
- flexible assignment of judges

The Federal legislation is one step in implementing the Agenda for Civil Justice Reform in America. The other components are the Executive Order (signed by the President on October 23, 1991), amendments to the Federal Rules of Procedure and Evidence (to be proposed February 19), and model state legislation, including a model punitive damages act.

ABA Response

Last week the ABA unveiled its Blueprint for Improving the Civil Justice System. This report finds three main faults with the system:

- Long-term chronic underfunding
- a dramatic rise in criminal filings
- a growing denial of access to the courts.

To solve these problems, the ABA suggests that the Administration re-order its funding priorities and double the Legal Services Corporation's 1991 appropriation of \$350 million. The ABA also attacks the Agenda as a "piecemeal collection" that "may please some business and industry groups, but will do little to bring justice to poor and middle-class Americans." Interestingly, in other places, the ABA takes credit for first proposing the reforms.

III. PARTICIPANTS

Photo Opportunity - OEOB Office

The Vice President
Wayne Valis, CCJR
18 additional founding members of CCJR

Room 450 Event

The Vice President
Ken Starr
John Howard

Senate Press Briefing

The Vice President
Representative Fish
Senator Grassley

IV. EVENT OUTLINE

10:00 a.m.	Photo-op with 18 additional founding CCJR members Vice President makes brief remarks
10:15 a.m.	Conclude Photo-op
10:25 a.m.	Proceed to Room 450
10:30 a.m.	John Howard introduces the Vice President Vice President Remarks
10:40 a.m.	Vice President concludes Remarks Introduces Ken Starr

10:45 a.m. Vice President departs for Senate
11:00 a.m. Vice President arrives Senate Office
11:10 a.m. Vice President meets with Fish and Grassley
11:30 a.m. Press Briefing
Vice President Remarks
Representative Fish
Senator Grassley
Vice President Question and Answer
12:00 p.m. Conclude Press Briefing

V. PRESS PLAN

Closed Press for Photo-Op
Print Press for Room 450 Event
Open Press for Senate Briefing

VI. ATTACHMENTS

Talking Points
Fact Sheet - Access to Justice Act of 1992
Access to Justice Act of 1992 - Section-by-Section Analysis
Fact Sheet - Civil Justice Reform Implementation
List of Participants
Biographies
(David Beckwith to prepare press talking points on ABA)

VII. FOLLOW-UP ACTION REQUIRED

Thank You Notes
Mail Photographs
Trade Publication Interviews where appropriate

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

February 4, 1992

FACT SHEET

ACCESS TO JUSTICE ACT OF 1992

As promised in the President's State of the Union Address, the Administration today transmitted to Congress the "Access to Justice Act of 1992" to enact major reforms in the nation's civil justice system. The Act embodies the fifty recommendations contained in the report "Agenda for Civil Justice Reform in America," written by the President's Council on Competitiveness under the chairmanship of Vice President Dan Quayle. These proposals seek to restore fairness to our judicial system and to eliminate the economic burden placed on American society by excessive litigation.

The "Access to Justice Act of 1992" provides an opportunity to elect an alternative to litigation, seeks to make the prevailing party whole by providing compensation for legal fees, permits the opportunity for pre-trial settlement, and allows legal fees to be recovered in suits initiated by the United States. None of the reforms impairs any substantive legal rights. Instead, they will help ensure that deserving victims actually receive their compensation earlier and with less expense.

The Problem: An Overburdened System

With 70% of the world's lawyers, it is not surprising that America has experienced a litigation explosion. The number of civil lawsuits filed in the federal courts each year has more than tripled in the last thirty years.

This tremendous growth of civil litigation has overburdened our court system and imposed higher costs on small businesses, professionals, industry, and Government at all levels in the form of excessive legal fees, court costs, and wasted individual time and effort. Every year, our legal system costs Americans, directly and indirectly, an estimated \$300 billion.

Higher costs mean higher prices for American consumers for everything from household goods to medical treatment. Higher costs also reduce America's ability to compete in the global marketplace.

"Access to Justice Act of 1992"

In order to reduce litigation costs, promote swifter justice, protect individual rights, and restore the integrity of our legal system, among the provisions of the "Access to Justice Act of 1992" are the following reforms:

Multi-Door Courthouse - To give consumers the opportunity to elect an effective alternative to court adjudication, federal courts would be required to establish multi-door courthouses for a three year period. Multi-door courthouses foster alternative dispute resolution (ADR) procedures rather than trials to settle disputes. The parties would be free to select from different ADR procedures such as early neutral evaluation, traditional mediation, outcome determinative mediation, mini-trials, summary jury trials, and arbitration.

Pre-Litigation Notice of Claims - In order to provide parties with the opportunity to settle their disputes at the earliest stages, the Act requires pre-complaint notice. Where appropriate, the right to sue in federal court is conditioned upon giving notice to intended parties of the nature of the dispute. This procedure will allow parties to reach an agreement and fashion appropriate remedies at lower costs without court involvement.

The Fairness Rule - The United States is one of the few countries which does not allow the winning party to recover the costs of litigation. Instead, winners and losers alike pay their own legal fees. The "loser pays" provision would help fund meritorious claims not currently initiated because the costs of pursuing the claim would have exceeded the expected recovery.

The Act proposes an experiment with the "Fairness Rule" for private parties in bringing state law claims under the Federal court's "diversity" jurisdiction. Litigants who desire the traditional arrangement, where each side pays its own attorney, may file the same cases in state courts. The Act also limits the amount the loser must pay to the sum it expended in litigating the suit and specifies that courts should not require the loser to pay if circumstances make payment "unjust." Finally, the Act allows parties the option to elect the Fairness Rule in suits initiated by the United States and disputes pursuant to the Contract Disputes Act of 1978.

Cost of Living Adjustments - The Act establishes a clear, uniform methodology for calculating federal court jurisdictional amounts and fees under the Equal Access to Justice Act.

Reform of the Judicial System - The Act re-establishes the immunity of state judicial officers. To facilitate swifter case handling, the Act encourages better case management, permits flexible assignment of federal district court judges, and clarifies appellate in banc procedures. Similarly, the Act amends the Civil Rights Act of Institutionalized Persons Act (CRIPA) to permit administrative resolution of inmate claims.

The "Access to Justice Act of 1992" will greatly reduce the burdens of excessive, needless litigation while protecting and enhancing every American's ability to vindicate legal rights through our legal system.

The "Access to Justice Act of 1992" results from the recommendations prepared by the Council on Competitiveness Working Group on Civil Justice Reform, chaired by Solicitor General Ken Starr. In August, 1991, the Council's chairman, Vice President Dan Quayle transmitted the recommendations to the President in the report "Agenda for Civil Justice Reform in America." Many of the proposals were implemented for litigation brought by the U.S. Government on October 23, 1991, when President Bush signed Executive Order 12778 on Civil Justice Reform. In addition to the Executive Order and the "Access to Justice Act of 1992," the Administration will continue to work to implement the Civil Justice Reform initiative at the federal and state level.

ACCESS TO JUSTICE ACT OF 1992

Section-by-Section Analysis

Section 101 FEDERAL DIVERSITY JURISDICTION; SUM IN CONTROVERSY

The AJA:

- o recognizes the need for diversity jurisdiction
[citizens of different states may bring state law claims in federal court when the claim meets a specified \$ amount]
- o ties the amount in controversy to the Consumer Price Index
- o requires \$50,000 actual damage -- not pain and suffering

Rationale:

- o indexing eliminates need for repeated Congressional action
1958 -- \$10,000
1988 -- \$50,000
- o resort to courts should be based on demonstrated harm, not speculative wrongs

ABA Position:

no objection to indexing/no ABA policy on actual damages

Section 102 AWARD OF ATTORNEY'S FEES TO PREVAILING PARTY

The AJA:

- o applies the "Fairness Rule" or loser pays provision for attorney's fees in diversity cases
- o parties not wanting the Fairness Rule may choose state courts
- o payment of fees is limited by:
 - amount the loser spends in bringing the case
 - court's discretion - if awards would be "unjust"

Rationale:

- o makes prevailing party whole
- o provides alternative method of financing litigation
- o incentive for better case evaluation

ABA position:

will study this recommendation further

Section 103 AMENDMENT TO THE EQUAL ACCESS TO JUSTICE ACT (EAJA)

The AJA:

- o provides a uniform method for EAJA attorney's fees awards
- o indexes attorney's fees to Consumer Price Index

Rationale

- o reduces the time spent litigating attorney's fees
- o restores original consistency with the government-wide practice of no geographic cost differentials

ABA position:

supports clears standards/opposes uniform fees

Section 104 PRE-COMPLAINT NOTICE REQUIREMENT

The AJA:

- o promotes early settlement by requiring notice prior to suit

Rationale:

- o provide opportunity to resolve dispute without court
- o lower costs and more flexible remedies

ABA Position:

has taken no position

Section 105 AWARDS OF ATTORNEY'S FEES - U.S. as a PARTY

The AJA:

- o authorizes the United States to enter into agreements to apply the "Fairness Rule" or "loser pays" rule for attorneys fees
- o may apply in any suit initiated by the United States
- o DOES NOT REQUIRE CITIZENS TO ELECT THE FAIRNESS RULE IN LITIGATION WITH THE GOVERNMENT
- o will apply in all suits involving government contracts

Rationale:

- o makes prevailing party whole
- o incentive for better case evaluation
- o provides funding mechanism

ABA position:

the ABA "will study" the fairness rule, but supports awarding fees against the government in certain (unspecified) cases

Section 106 MULTI-DOOR COURTHOUSES

The AJA:

- o requires creation of multi-door courthouses in every judicial circuit for alternative dispute resolution
- o use of ADR procedures are strictly voluntary
- o allows volunteer non-judicial personnel to conduct ADR

Rationale:

- o ADR promotes settlement
- o ADR often is quicker and cheaper than trial
- o voluntary approach helps insure ADR will be effective

ABA position:

strongly endorses this proposal

Section 107 FLEXIBLE ASSIGNMENT OF DISTRICT COURT JUDGES

The AJA:

- o streamlines temporary reassignments of trial judges
- o provides workload information

Rationale:

- o response to disproportionate caseload in some districts
- o assists in reducing backlog in some districts

ABA position

supports voluntary temporary reassignment of judges

Section 108 IMMUNITY OF STATE JUDICIAL OFFICERS

The AJA:

- o restores judicial immunity to state court judges for attorneys fees and costs incurred in defending their official actions

Rationale:

- o reverses Supreme Court ruling (Pulliam v. Allen), holding state court judges liable for fees and costs incurred in defending their official actions.
- o restores independence to judiciary

ABA position:

strongly supports this recommendation

Section 109 AMENDMENT TO THE CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT (CRIPA)

The AJA:

- o requires exhaustion of administrative grievance procedures before inmates may file a case in federal court
- o directs the Attorney General to provide guidance and assistance
- o allows the court to appoint attorneys to represent inmates
- o permits dismissal when the claims are untrue or frivolous

Rationale:

- o 10% of all Federal cases are prisoner litigation
- o encourages states to adopt grievance procedures

ABA position:

did not address CRIPA reform, opposes habeas corpus reforms

Section 110 IMPROVEMENTS IN CASE MANAGEMENT

The AJA:

- o requires ongoing evaluation of case management tools and techniques by the Administrative Office of the U.S. Courts

Rationale:

- o encourages innovation in case management
- o insures that effective methods are publicized and utilized

ABA position:

conforms with ABA policy

Section 111 ASSIGNMENT OF JUDGES; PANELS; HEARING; QUORUM

The AJA:

- o encourages "in banc" appeals
- o requires all active circuit judges to hear in banc appeals
- o eliminates "mini in banc" panels

Rationale:

- o reduces intra-circuit conflicts

ABA position:

maintain status quo - amendments are unnecessary

FEBRUARY 4, 1992

THE PRESIDENT'S COUNCIL ON COMPETITIVENESS
"AGENDA FOR CIVIL JUSTICE REFORM IN AMERICA"
IMPLEMENTATION FACT SHEET

Excessive cost and delay in our civil justice system harm the American people and impair their ability to compete in the global marketplace.

Vice President Dan Quayle

Many features of our civil justice system no longer expedite justice or insure fair results. Instead overuse and abuse of the legal system impose tremendous costs on American society.

To address these problems, the President's Council on Competitiveness, chaired by Vice President Dan Quayle, developed 50 recommendations for improving the civil justice system. Reported in the "Agenda for Civil Justice Reform in America," these recommendations help reduce the inordinate cost and delay found in the system. As most of the proposals have been tested in federal or state courts and have proven effective, the Agenda presents a comprehensive approach to effect meaningful change in our overburdened civil justice system.

The Administration is committed to the fair, efficient and early resolution of disputes. This commitment is demonstrated by efforts to implement reform at all levels: Executive branch action, Federal legislation, Federal rules changes, and model state packages.

Executive Action

As a catalyst for civil justice reform, the Administration has already implemented many of the Agenda reforms in the Federal government. To promote more efficient litigation in actions involving the United States Government, on October 23, 1991, President Bush signed Executive Order 12778. To help make the Government's litigators a model for the private sector, the President directed all Federal agencies to encourage voluntary dispute resolution, limit unnecessary discovery, avoid "junk science," and, where appropriate, use the "Fairness" or "loser pays" rule for attorneys' fees. The directive also provides a "litigation checklist" designed to reduce legislative drafting errors that cause uncertainty and unnecessary litigation.

Federal Legislation

On February 4, 1992, President Bush transmitted the "Access to Justice Act of 1992" calling upon Congress to enact reforms requiring federal legislation. Among the Act's provisions are:

Multi-Door Courthouse - Establishes alternative dispute resolution (ADR) programs to provide effective alternatives to trials. Parties would gain the opportunity to choose between several methods of resolving their disputes.

Pre-Complaint Notification - Encourages resolution at the earliest stages, in most cases the right to sue is conditioned upon giving notice to the intended parties of the nature of the dispute.

Fairness Rule - Adopts a "loser pays" rule in cases involving state law brought under the federal courts' diversity jurisdiction. This rule is grounded in the equitable principle that prevailing parties should be made "whole." The loser would pay the winner's legal expenses subject to limits, including when payment would be "unjust."

Federal Rules of Civil Procedure and Evidence

Through the Supreme Court's rulemaking process, the Administration is proposing amendments to the Federal Rules of Civil Procedure and Evidence to help make the system more rational and efficient:

Discovery Reform - Discovery consumes 80 percent of the time and money in litigation. Our proposal will require automatic disclosure of basic or "core information" and mandate discovery planning conferences. After presumptive numerical limits are met, additional discovery would be governed by market incentives.

Expert Evidence Reform - Experts, who unlike other witnesses, are allowed to present their opinions should be required to base their testimony on "widely accepted" theories instead of "junk science." Our proposal requires courts to determine that proposed witnesses are legitimate experts in their field and bans contingency fees paid to expert witnesses in return for a successful outcome.

State Legislation and Rule Changes

Most reforms proposed for the Federal system are equally applicable to the states. As a result, the Administration has published the Civil Justice Reform Model State Amendments and the Model State Punitive Damages Act to assist with reforms in the state systems. Reform at the state level could have a dramatic effect since that is where most litigation occurs.

Citizens for Civil Justice Reform
Photo-Opportunity
February 4, 1992

Chuck Bruse - Vice President and Assistant General Counsel,
Allstate Insurance Company

Nick Bush - President, Natural Gas Supply Association

John Cook - Senior Vice President and Chief Communications
Officer, United Services Automobile Association

Dan Hapke - Assistant General Counsel, General Dynamics
Corporation

Phil Lacovara - Managing Director and General Counsel, Morgan
Stanley & Company Inc.

Frank Menaker - Vice President and General Counsel, Martin
Marietta Corporation

Tom O'Day - Associate Vice President, Alliance of American
Insurers

Judy Pendell - Assistant Vice President for Public Affairs, AETNA
Life and Casualty Company

Charles Renfrew - Director and Vice President, Legal Affairs,
Chevron Corporation

Barry Rogstad - President, American Business Conference

Hal Russell - FMC Corporation

Joe Samora - Vice President for Political Affairs, International
Mass Retail Association

Tom Sellers - Washington Representative, DuPont Corporation

Geoff Shepard - Senior Vice President and General Counsel,
Reliance Insurance Group

Lee Stillwell - Senior Vice President for Government and
Political Affairs, American Medical Association

Diane Swensen - Vice President for Legal and Legislative Affairs,
American Tort Reform Association

Bob Verdisco - President, International Mass Retail Association

John Worthington - Senior Vice President and General Counsel, MCI
Communications Corporation

J. Charles Bruse
Vice President & Assistant General Counsel
Allstate Insurance Company

J. Charles Bruse is Vice President and Assistant General Counsel, Allstate Insurance Company. In this capacity, he is responsible for federal government affairs.

Bruse started with Allstate in 1975 as an Associate Counsel. He was promoted to Counsel and then appointed to Assistant Vice President and Assistant General Counsel before his election by the Allstate Board to his current position in 1992.

Earning a law degree from the University of Minnesota, Bruse received his undergraduate degree in history from Northwestern University. He practiced law in Omaha, Nebraska prior to service in the U.S. Department of Justice. Subsequently, Bruse was Legislative Assistant to Senator Roman L. Hruska (R-Nebraska) and Minority Counsel to the Senate Judiciary Subcommittee on Constitutional Rights.

Involved in several professional and civic organizations, Bruse is past President of Nebraska Society of Washington, D.C. He is also former Chairman of the Board of Trustees for the National Capital Chapter of the Multiple Sclerosis Society and past President of the Association of Former Senate Aides.

He and his wife, Candice, are parents of one child and make their home in McLean, Va.

**Nicholas J. Bush
President
Natural Gas Supply Association**

Biography

Nicholas J. Bush is President of the Natural Gas Supply Association (NGSA).

Before joining NGSA, Bush was Vice President of Mid-Continent Oil & Gas Association.

Bush was with Exxon Corporation for four years as a Washington Representative prior to joining Mid-Continent and before that with Exxon Company, U.S.A. in Houston. He had spent seven years with Ford Motor Company, U.S.A. in Cleveland and Detroit before joining Exxon.

Bush holds an undergraduate degree in economics and has done graduate work in economics at Case-Western Reserve University in Cleveland.

NGSA is a Washington-based organization representing major and independent companies which produce considerably more than half of the nation's natural gas energy.



BIOGRAPHY

USAA Building • San Antonio, Texas 78288

JOHN R. COOK

John R. Cook is senior vice president and Chief Communications Officer of USAA. He oversees USAA's internal and external communication programs, including public affairs, national programs, media relations, video productions, publications, member communications and relations, community relations, marketing services, the USAA Foundation, corporate history and educational affairs.

Prior to joining USAA in July 1989, he was executive vice president of the Insurance Institute for Highway Safety in Arlington, Va., where he directed the communications and information services for IIHS and the Highway Loss Data Institute. He was a senior vice president of public affairs for the American Insurance Association, a trade organization of property and casualty insurance companies, in Washington, D.C., and served 10 years on the corporate relations staff of the Allstate Insurance Companies.

A native of Houston, Texas, Cook holds a bachelor's degree in political science from the University of Houston and has done graduate work in communications at Northern Illinois University.

He is an accredited member of the Public Relations Society of America, the International Association of Business Communicators, the American Society of Association Executives, the National Press Club, and the Radio-Television News Directors Association. He serves on the board of directors of the Alamo Public Telecommunications Council and on the PRSA National Honors and Awards Committee. He is currently chairman of the Public Relations Committee of the National Association of Independent Insurers and the Public Relations Subcommittee of the Automobile Insurance Reform Group.

He and his wife, June have three sons.

Daniel S. Hapke, Jr.
Assistant General Counsel
GENERAL DYNAMICS CORPORATION

B.S. & J.D. St. Louis University (1968 & 1974)

1968 - 1971 - Active duty as a line officer in the U.S. Navy. Navigator of U.S.S. Nantahala (AO-60) and U.S.S. Kansas City (AOR-3) a Quincy built ship. Spc. promoted to Lieutenant (O-3).

1973 - 1975 - Associate with the law firm of Klamen, Summers & Compton engaged primarily in civil trial work.

1975 - 1984 - Staff attorney with Sverdrup Corporation which engages in engineering, architecture, construction, real estate development and aerospace technology. Sverdrup operates the Arnold Engineering Development Center for the U.S. Air Force at Tullahoma, Tennessee.

1984 - Present - General Dynamics Corporation. Student and speaker at GMS I. Member of the national board of directors of the American Corporate Counsel Association, co-founder and first president of its St. Louis Chapter.

Publications: (partial list)

"What Lawyers Should Know About Recent Developments In the Construction Industry," published in the Fall 1984 issue of the St. Louis Bar Journal.

Design and Construction Contracts: Representing the Owner (218 pages published by the American Bar Association in the Summer of 1987.

"Document Retention in Business Organizations," Chapter 10 of Destruction of Evidence by Goreslck, Marzen, Solum, et al published by John Wiley & Sons Inc. in January of 1989.

Script consultant for Buried Alive!, a 25 minute video on corporate records retention prepared and marketed by Commonwealth Films, Inc. in 1989.

"Developing and Implementing Records Retention programs in Business Organizations," published in the ACCA Docket, The Journal of the American Corporate Counsel Association, Winter 1990, Volume 8, Number 1.

Teaching:

Design and Construction Law, Washington University School of Architecture 1980-1984.

PHILIP A. LACOVARA

Managing Director and General Counsel, Morgan Stanley & Co. Incorporated. Formerly: Vice President-Senior Counsel for Litigation and Legal Policy, General Electric Company; Partner-in-charge, Washington, D.C. office of Hughes Hubbard & Reed; Counsel to the Watergate Special Prosecutor; Deputy Solicitor General of the United States, Special Counsel to the New York City Police Commissioner; Assistant to the Solicitor General, United States Department of Justice; Law Clerk to Judge Harold Tavenhal, United States Court of Appeals for the District of Columbia Circuit.

Past President, the District of Columbia Bar (formerly, General Counsel and Member of Board of Governors); Chair, ABA Section of Individual Rights and Responsibilities; Board of Directors, Westchester-Fairfield Corporate Counsel Association; Legal Advisory Committee to New York Stock Exchange Board of Directors; Board of Trustees, Practising Law Institute.

Member, Judicial Conferences of the District of Columbia and the District of Columbia Circuit. Formerly: Chairman, Advisory Committee on Procedures, and Chairman, Committee on Admissions and Grievances, of United States Court of Appeals for the District of Columbia Circuit; Co-chair, Washington Lawyers' Committee for Civil Rights Under Law; President's representative on District of Columbia Judicial Nomination Commission; Chair, ABA Special Committee on Amicus Curiae Briefs; Chairman, Board of Trustees, District of Columbia Public Defender Service; Special Counsel, United States House of Representatives Committee on Standards of Official Conduct ("Koreagate" Investigation); Special Counsel to the Governor of Alaska (impeachment inquiry).

Fellow, American College of Trial Lawyers; Fellow, American Bar Foundation; Member, American Law Institute; Member, Editorial Advisory Board, Human Rights Magazine; Member, Editorial Advisory Board, Civil RICO Report. Formerly: Adjunct Professor of Law, Georgetown University Law Center; Lecturer in Law, Columbia University School of Law.

Articles published in Columbia Law Review, Yale Law Journal, Harvard Journal of International Law, Law and Contemporary Problems, Arizona Law Review, Inter-American Law Review, St. John's Law Review, National Law Journal, Legal Times, New York Times, Los Angeles Times, and other publications.

FRANK H. MENAKER, JR.

Graduate of Wilkes College and the Washington College of Law at American University. Vice President and General Counsel, Martin Marietta Corporation. Member of the American Bar Association; admitted to practice before the U.S. Supreme Court and the bars of Maryland and Washington, D.C. Council Member of the ABA Public Contract Law Section; Chairman of the ABA Public Contract Law Section's Special Committee on Voluntary Disclosure.

January 1991

Biographical Information

Thomas A. O'Day

Thomas (Tom) A. O'Day is an associate vice president for the Alliance of American Insurers -- a national trade association of over 170 property and casualty insurers. His office is in the District of Columbia where he is responsible for government relations activities at the federal level.

O'Day has been involved with the insurance industry for over 25 years -- since 1962. First as a reporter and editor, then as a public affairs director, later as a business representative in state capitals, and now as a federal lobbyist.

O'Day majored in psychology at Occidental College in Los Angeles. He is a decorated veteran of the Korean War. A native of Portland, Oregon, he now resides in Alexandria, Virginia, with his wife, Marie. He has three children and an extensive collection of dragons.

JUDYTH W. PENDELL

Vassar College, BA

Yale University, School of Management, MPPM

Aetna Life and Casualty since 1982

Currently Assistant Vice President, Public Affairs,
heads civil justice reform project

Served on Brookings Task Force on Civil Justice Reform
(1989)

Chairs Insurance Advisory Committee, ICJ at RAND

Chairs Subcommittee on Judicial Issues, Mass Torts Task
Force, U.S. Chamber of Commerce

X 46

CHARLES B. RENFREW
Director and Vice-President, Law
Chevron Corporation
225 Bush Street, San Francisco, CA 94104
(Telephone: (415) 894-3232)

Employment:

Joined Standard Oil Company of California on January 1, 1983 as Vice-President, Legal Affairs. Elected Director on March 1, 1984. Corporate name changed on July 1, 1984.

Partner in Pillsbury, Madison & Sutro, San Francisco, from March 1, 1981 to December 31, 1982. Joined the firm in 1956, and resigned as partner on January 31, 1972.

Deputy Attorney General of the United States, Washington, D.C., February 28, 1980 to February 28, 1981.

United States District Judge for the Northern District of California, San Francisco, February 1, 1972 to February 27, 1980.

Instructor (part-time) at Boalt Hall School of Law, University of California, Berkeley, 1977, 1978-79, 1979-80.

Professional:

Member of Bar Association of San Francisco
Member of State Bar of California since 1956
Member of American Bar Association since 1965;
Member of Committee on Corporate Law Departments, 1985-
Member of Resource Development Council 1983-1988
Vice-Chairman of Antitrust Section, 1982-83
Council Member of Antitrust Section, 1978-82
Member of American Law Institute, 1978-
Member of American College of Trial Lawyers, 1981-
Regent of American College of Trial Lawyers, 1990-
Member of American Judicature Society, 1983-
Fellow of American Bar Foundation, 1983-
Member of Association of General Counsel, 1985-

Research Fellow of the Southwestern Legal Foundation, 1983-;
Trustee, 1990-
Member of Advisory Board of International and Comparative Law
Center, 1983-; Chairman, 1990-

Member of San Francisco Lawyers Committee for Urban Affairs
(San Francisco Branch of the National Committee for Civil Rights
under Law), 1983-; Co-Chairman, 1971-72

- Professional:**
- Member, Extraordinary Challenge Committee under United States - Canada Free Trade Agreement
 - Member of National Judicial Panel of Center for Public Resources, 1981-; Director 1988-; Chairman, Executive Committee, 1989-
 - Head of United States Delegation to Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Caracas, Venezuela, 1980
 - Member of Council on the Role of Courts, U.S. Department of Justice, 1978-83
 - Chairman of Special Committee to Study the Problems of Discovery, Federal Judicial Center, 1978-79
 - Member of Special Committee to Propose Standards for Admission to Practice in the Federal Courts, United States Judicial Conference, 1976-79
- Publications:**
- Negotiation and Judicial Scrutiny of Settlement in Civil and Criminal Antitrust Cases, 57 Chicago Bar Record 130-143 (Nov.-Dec. 1975), 70 F.R.D. 495-507
 - Sentence Review by the Trial Court: A Proposal to Amend Rule 35, 51 Indiana Law Journal 355-366 (Winter 1976)
 - The Paper Label Sentences: An Evaluation, 86 Yale Law Journal 589-618 (March 1977)
 - Fiduciary Responsibilities Under the Pension Reform Act, 32 The Business Lawyer 1829-1836 (July 1977)
 - Affirmative Action: A Plea for a Rectification Principle, 9 Southwestern University Law Review 597-611 (1977)
 - Discovery Sanctions: A Judicial Perspective, 67 California Law Review 264-283 (March 1979)
 - Query: Did the Devitt Committee Find Problems Worthy of Its Solutions?, 64 Judicature 58-59, 100 (August 1980)
- Affiliations:**
- Ninth Judicial Circuit Historical Society, Board of Directors, 1987-
 - Claremont University, Board of Fellows, 1986-
 - Historical Society of United States District Court for the Northern District of California, Board of Directors, 1986-
 - Grace Cathedral, Board of Trustees, 1986-1989

National Judicial College, Board of Directors, 1985--
National Crime Prevention Council, Board of Directors, 1982--
NAACP Legal Defense and Educational Fund, Inc., Board of
Directors, 1982--; Chairman of Committee of the Bar, 1983--;
Co-Chairman of Northern California Committee, 1982--
San Francisco Symphony, Board of Governors, 1974--
Supreme Court Historical Society

National Lawyers Council of Democratic National Committee, 1896--
Antitrust Lawyers Advisory Committee of The Business Roundtable,
1896--
Youth Guidance Center Improvement Committee, 1986--
Center for National Policy, Member of National Advisory Board, 1982--
Council of Foreign Relations, Member 1982--

Selected Former Affiliations:

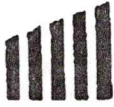
UNC Resources, Board of Directors, 1984-1986
Coro Foundation, Board of Directors, 1982-1985
Stanford Law School Board of Visitors, 1983-86
University of Michigan Law School, Committee of Visitors, 1977-81
Princeton University, Alumni Trustee, 1976-80
Episcopal Diocese of California, Chairman of Diocesan Convention,
1977, 1978, 1979
Council for Civic Unity, Board of Directors 1968-1972,
President, 1971-72
Lawyers Committee for Urban Affairs, Chairman 1971-1972
World Affairs Council of Northern California, Board of Trustees,
1984-87
American Petroleum Institute, Board of Directors, 1984-86
New York Stock Exchange, Member of Legal Advisory Committee,
1984-1987
Town School for Boys - Trustee, 1972-1980
President of Board of Trustees, 1975-1980
University of Chicago Law School Visiting Committee, 1977-79
J. Reuben Clark Law School - Brigham Young University, 1981-84

Personal:

Born in Detroit, Michigan on October 31, 1928
Resides in San Francisco, California

Princeton University, 1948-52, A.B. 1952
University of Michigan Law School, 1954-56, J.D. 1956

U.S. Navy (enlisted, A/S to ETM3c), 1946-48
U.S. Army (First Lieutenant), 1952-53)



ABC 100

BARRY K. ROGSTAD

Dr. Rogstad has been president of the American Business Conference in Washington, D.C. since 1988. The American Business Conference (ABC) is a coalition of 100 mid-size, fast-growing firms, represented by their chief executive officers, chairmen or presidents. The mission of the ABC is the promotion of public policies to encourage growth, job creation and a higher standard of living for all Americans.

Prior to joining the ABC, Dr. Rogstad was with Coopers & Lybrand from 1975 to 1988, serving as their Chief Economist; Managing Partner, International Management Consulting; and Partner, Strategic Management Services.

Dr. Rogstad's history includes four years as vice president and director of the Washington operations of Systan, Inc.; three years with Planning Research Corporation as the manager of their Systems Economics Division; and three years at Brown University as an instructor in economics for the University's Department of Economics.

Dr. Rogstad received an A.B. in History at Clark University in 1962; an M.A., Economics at Clark in 1963; and his Ph.D., Economics at Brown University in 1968.

Presently, Dr. Rogstad sits on the boards of the American Council for Capital Formation, Congressional Economics Leadership Institute and the Institute for Research on Economics of Taxation.

INTERNATIONAL
MASS RETAIL
ASSOCIATION



Robert J. Verdiseo
President

JOSEPH E. SAMORA, JR.

Joseph ("Joseph") E. Samora, Jr., is Vice President for Political Affairs with the International Mass Retail Association in Washington, D.C. The Association represents 600 members including over 100 major discount retail chains that, collectively, operate over 40,000 stores in all 50 states, employ over 1.5 million people, and represent the overwhelming majority of the \$150 billion retail industry. Joseph serves as the Association's liaison to the White House and Capitol Hill. He also coordinates the Association's political action committee activity and edits the Association's political newsletter.

Joseph recently served in the White House as an Associate Director in the Office of Public Liaison. He was appointed by President Bush as one of twelve members of the 1990-91 Class of White House Fellows, having been selected from nearly 1,000 applicants.

Previously, Joseph served in the Administration of Governor Garrey Carruthers for nearly four years as Chairman of the New Mexico Public Service Commission, regulating the gas, water, sewer, and electricity industry in the state. In that capacity, he serves

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as the youngest chairman of a state public utility regulatory commission in the United States. In 1988, he was featured as one of "Twenty Young Lawyers in the United States Who Make a Difference" by the American Bar Association's BARRISTER magazine.

Prior to his gubernatorial appointment to the utility commission, Joseph served as General Counsel and Administrative Assistant to Chief Justice William Riordan of the New Mexico Supreme Court, was engaged in private practice with the Albuquerque law firm of Butt, Thorton, & Baehr, P.C., and served as a judicial law clerk to the New Mexico Supreme Court.

Joseph, currently serves as the graduate advisor for the Phi Gamma Delta (FIJI) fraternity chapter at the University of Maryland at College Park. In 1990, he served as the advisor at the University of New Mexico at Albuquerque. During that year, the chapter locally won UNM's President's Cup for best fraternity campus. Internationally, the chapter that year won the fraternity's Owen Cup for most improved academics, the Condor Cup for the most improved over-all chapter, and Joseph won the Durrance Award for most outstanding graduate advisor throughout the United States and Canada.

Joseph is a former President of the Young Lawyers Division of the State Bar of New Mexico and has been a Big Brother in the Sigma Phi Big Brother/Sister Organization.

Joseph was born and raised in Albuquerque, New Mexico. He received his B.A. in Communications from the University of New Mexico and his law degree from the University of New Mexico School of Law. Joseph is a bad racquetball player and a worse golfer, but has a fair repertoire of lawyer jokes.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01. Biography	Re: Thomas N. Sellers; Personally Identifiable Information redacted. (1 pp.)	n.d.	(b)(6)	

Collection:

Record Group: Quayle Vice Presidential Records
Office: Deputy Chief of Staff's Office
Series: Porter, Richard, Files
Subseries: Subject Files
WHORM Cat.:
File Location: Civil Justice Reform Roundtable [1]

Date Closed: 8/29/2025	OA/ID Number: 21806-020a
FOIA/SYS Case #: 2025-0878-F	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

Freedom of Information Act (FOIA) - [5 U.S.C. 552(b)]

(b)(1) National security classified information
(b)(2) Release would disclose internal personnel rules and practices of an agency
(b)(3) Release would violate a Federal statute
(b)(4) Release would disclose trade secrets or confidential or financial information
(b)(6) Release would constitute a clearly unwarranted invasion of personal privacy
(b)(7) Release would disclose information compiled for law enforcement purposes
(b)(8) Release would disclose information concerning the regulation of financial institutions
(b)(9) Release would disclose geological or geophysical information concerning wells

Deed of Gift Restrictions

C(1) Closed by Executive Order 13526, governing access to national security information
C(2) Closed by statute or by the agency which originated the information
C(3) Closed in accordance with restrictions contained in donor's deed of gift [formerly listed as only C]
PRM. Removed as a personal record misfile

Presidential Records Act - [44 U.S.C. 2204(a)]

P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

THOMAS N. SELLERS

Tom Sellers, Washington Representative, Federal Affairs, Du Pont External Affairs, joined Conoco Inc. in 1980 in the oil and gas exploration department. He was promoted to increasingly responsible roles in exploration during assignments in California, Louisiana and Texas.

In 1990, he transferred to Du Pont, the parent company of Conoco, and began in his present capacity in Washington, D.C. His areas of expertise include energy issues, general business concerns, such as tort reform and anti-trust matters, and OSHA/workplace safety.

Born (b) (6), in Wichita Falls, Texas, he graduated from Wichita Falls High School in 1976. He received his Bachelor of Business Administration degree in 1980 from the University of Texas at Austin and his Juris Doctorate in 1983 from South Texas College of Law. He is a Certified Professional Landman.

Mr. Sellers is actively involved in the Texas State Society, Texas Breakfast Club and the Capitol Hill Club in Washington, D.C. He is a member of the Texas Bar Association and both the University of Texas Alumni and Business Administration clubs. He is also a member of the American and Houston Associations of Petroleum Landmen, which are oil and gas focused professional associations.

GEOFFREY C. SHEPARD

Senior Vice President and General Counsel

Reliance Insurance Group

Geoffrey C. Shepard is Senior Vice President and General Counsel of Reliance Insurance Group, which encompasses all insurance operations of Reliance Group Holdings, Inc.

The Reliance Insurance Group is one of the nation's largest commercial property-casualty indemnities. Total 1990 revenues were \$2.46 billion and assets at year end were \$3.7 billion.

Mr. Shepard's civic activities include serving as a Trustee of the Academy of Natural Sciences in Philadelphia and being a member of the Philadelphia Region Selection Panel for the White House Fellows program.

Mr. Shepard joined Reliance in 1991. For the 13 years prior to that he held various legal positions with CIGNA Corporation and one of its predecessor companies, INA Corporation.

Born in Santa Barbara, California in 1944, Mr. Shepard received his BA with high honors from Whittier College in 1966 and his JD with honors from the Harvard Law School in 1969. From 1969-70, he was a White House Fellow and then served on the White House Domestic Council until 1975.

He and his wife, Sandra, reside in Swarthmore, Pennsylvania with their two sons.

October, 1991

LEE J. STILLWELL**BUSINESS**

Senior Vice President
Government and Political Affairs
American Medical Association
1101 Vermont Avenue, NW
Washington, D.C. 20005
(202) 789-7441 FAX: (202) 789-7479

RESIDENCE

9717 Holloway Hill Court
Potomac, MD 20854

PROFESSIONAL MEMBERSHIPS

The Jefferson Islands Club
Washington Industrial Roundtable (WIRT)
American Association of Medical Society Executives (AAMSE)
American Society of Association Executives (ASAE)
Greater Washington Society of Association Executives (GWSAE)

CIVIC AFFILIATIONS

Member, USO World Board of Governors, Program and Council Relations Committee
Honorary Member, Board of Trustees, U.S. Capitol Historical Society
Member, Board of Governors, Ford's Theatre
Member, Executive Committee, Ambassador's Ball, Multiple Sclerosis Society
Member, National Theatre Circle; Washington Theatre Awards Society; Friends of the Kennedy Center

PRIOR PROFESSIONAL AFFILIATIONS

Press Secretary to U.S. Senator William Armstrong (Colorado)
Special Assistant to U.S. Senator Abe Ribicoff (Connecticut)
Communications Executive, National Federation of Independent Business (NFIB)
National Correspondent, Scripps-Howard Newspapers
Washington Correspondent, Knoxville News-Sentinel & Memphis Press-Scimitar
City Editor, Kentucky Post & Times Star (Kentucky edition, Cincinnati Post & Times Star)

FRATERNAL SOCIETIES

University Club, Washington, D.C.
The George Town Club, Washington, D.C.
116 Club, Inc.
Bethesda Country Club
Tournament Players Club at Avenel

MILITARY SERVICE

U.S. Air Force (1958-62)

EDUCATION

B.S. University of Cincinnati



American Tort Reform Association

1212 New York Avenue, N.W. • Suite 515 • Washington, D.C. 20005 • (202) 682-1

DIANE K. SWENSON

Diane K. Swenson is the American Tort Reform Association's Vice President of Legal and Legislative Affairs.

Prior to joining ATRA in 1986, Ms. Swenson served for five years as Special Assistant and Legal Counsel to U.S. Senator Larry Pressler (R-SD).

Ms. Swenson is a South Dakota native. She attended Augustana College in Sioux Falls, S.D. and received her law degree from Hamline University Law School. She was admitted to the Minnesota bar before joining the Pressler staff in Washington.

02-03-82 10:00 VARIOUS ASSOCI.
TEL NO.
P.06
HIS F03

INTERNATIONAL
MASS RETAIL
ASSOCIATION

Robert J. Verdisco
President



Robert J. Verdisco

Mr. Robert J. Verdisco is President of the International Mass Retail Association (IMRA). IMRA is a non profit retail trade association conducting conferences and convention programming, industry research, trade relations and government relations on behalf of its over 600 members -- discount, speciality, home center and wholesale club retailers, and their suppliers in the United States and abroad. IMRA Retail members collectively operate over 40,000 stores in all fifty states, employ over 1.5 million people, and represent the overwhelming majority of the \$150 billion retail industry.

Mr. Verdisco previously served as IMRA's Vice President for Government Relations. He is a graduate of The Pennsylvania State University and the George Washington University School of Law. Mr. Verdisco has served as Executive Assistant and Attorney Advisor to two chairmen of the Consumer Product Safety Commission and as an antitrust trial attorney in the Office of the Executive Legal Director at the Nuclear Regulatory Commission and as a trial attorney in the Bureau of Competition at the Federal Trade Commission.

Mr. Verdisco resides in Springfield, Virginia with his wife Patricia and two children, Elizabeth and Matt.

JOHN R. WORTHINGTON

John R. Worthington is a Senior Vice President and the General Counsel of MCI Communications Corporation, headquartered in Washington, D.C. He is also a member of MCI's Board of Directors. MCI is the second largest and the fastest growing American telecommunication company.

Worthington joined MCI in 1971 as General Counsel, having served as Secretary and member of its Board since the company was incorporated in 1968. He was named a Vice President in 1975 and Senior Vice President in 1979.

Before joining MCI, he had been a partner in the Chicago law firm now known as Jenner & Block since 1962, specializing in corporate and financial legal matters. An associate of the firm since 1955, Worthington also served for two years in the U.S. Army.

Worthington is a director of the American Corporate Counsel Association. He is the past President and a director of the Washington Metropolitan Corporate Counsel Association.

Worthington has been a member of the Board of Directors of the National Symphony Orchestra since 1985.

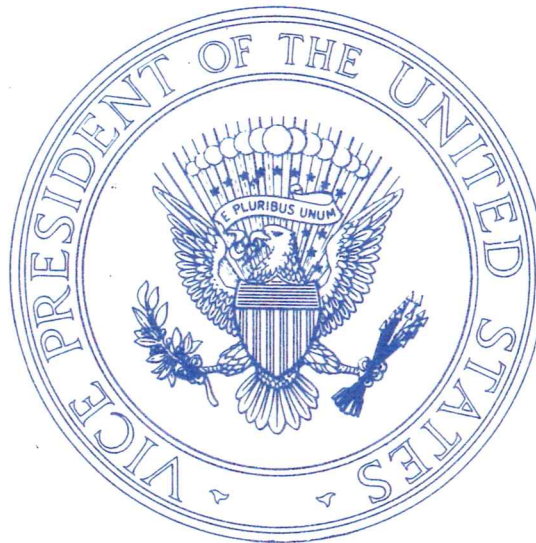
A native of Chicago, Illinois, Worthington attended the University of Michigan where he earned a B.A. degree in 1952 and M.B.A. and J.D. degrees in 1955.

He and his wife, Christine, live in Washington, D.C.

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A Report from the
President's Council on Competitiveness

Agenda for Civil Justice Reform in America



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