

ACTL TRIAL ADVOCACY PROGRAM



The fourth ACTL Trial Advocacy program was held May 10-12 in Toronto at the offices of McCarthy Tétrault and was a resounding success.

The program was capped at fifty participating lawyers; it was oversubscribed by a broadly diverse group of lawyers from Canada and the United States. The international faculty were Fellows practicing in both countries. Fellow Junior Sirivar and the McCarthy Tétrault firm were superb hosts. Tom Heiden chaired the program with volunteer faculty Fellows David Ross, Jim Quinn, Gerald Ivey, Jan Conlin, Junior Sirivar, Josh Weinstein, Gordon McKee, Anil Kapoor, Roslyn Levine, Scott Hutchinson, Michael Feder, Julie-Martine Loranger, Kent Thomson, and Past President Doug Young.

Our society is diverse. Our courthouses are diverse. The lawyers trying cases in those courthouses ought to better mirror the diversity in our society. The College is perhaps best equipped to help enable the next generation of excellent, ethical, and professional trial lawyers. These programs are designed to train and encourage lawyers with a commitment to diversity.

On June 29, 2023, the U.S. Supreme Court handed down its decision in *Students for Fair Admissions v. Harvard*, striking down raced-based affirmative action in college admissions. In the wake of that decision, a number of organizations have brought complaints against prominent law firms and even the



American Bar Association attacking their diversity programs on the ground that those programs discriminate to the supposed detriment of persons not diverse. Without trying to assess the merits of those complaints, the College remains committed to helping promote diversity in our profession. So we persevere.

The focus of the program is the quality of advocacy rather than any overarching social policy. The target audience is largely lawyers in government and public interest roles. Large law firms can and do train their young litigators, many of whom are diverse. The population that the program seeks to reach are people whose employment does not easily afford this sort of opportunity.



There was a strong desire to host a program north of the border. The May event drew interest from a number of lawyers from Canada's First Nations, and from provinces from Quebec to British Columbia.

The faculty Fellows had fun, while making an important contribution. McCarthy Tétrault hosted an enjoyable evening at Canoe, a 54th floor restaurant overlooking all of Toronto and much of Lake Ontario.

By the time you are reading this, the fifth program will have been hosted by Kirkland & Ellis in their Chicago offices, August 23-25, 2024; a program which is already oversubscribed. Kirkland hosted the 2nd program in May 2022 and did a superlative job. As we plan further programs, we ask you to consider volunteering as a faculty member. Fellow participation is crucial for these young lawyers hoping to learn from the best.

Thomas J. Heiden
Chicago, IL

THE ATMOSPHERE AND ENTHUSIASM GENERATED DURING
THE THREE DAYS IS WELL REFLECTED IN THE COMMENTS
OF SOME OF THE PARTICIPATING LAWYERS:

"...AN AMAZING EXPERIENCE..."

"...AN EXHILARATING EXPERIENCE IT WAS TO
IMMERSE MYSELF THIS WEEKEND..."

"...SUCH A REWARDING AND DYNAMIC PROGRAM"

"...A COMPLETE SUCCESS!"

"I WISH YOU ALL OF THE SUCCESS AND ENERGY THE UNIVERSE
HAS TO OFFER IN KEEPING THE . . . PROGRAM GOING."

"[T]HANK YOU ACTL AND THE MCCARTHY TEAM FOR PUTTING ON A
FANTASTIC WEEKEND OF TRAINING FOR ALL THE ATTENDEES."

"...A HUGE UNDERTAKING..."

"I FOUND THE SESSIONS TO BE VERY INFORMATIVE AND HELPFUL TO
FURTHER DEVELOPING MY OWN TRIAL ADVOCACY ABILITIES. "

"... GREAT COACHES AND GREAT INSIGHTS..."

"I AM WRITING TO EXPRESS MY DEEP GRATITUDE FOR THE INSPIRING
AND TRANSFORMATIVE LEGAL TRIAL ADVOCACY TRAINING
SESSION THIS PAST WEEKEND. YOUR INSIGHTS AND EXPERIENCES
WERE INCREDIBLY MOTIVATING, ESPECIALLY AS THEY PERTAIN TO
OVERCOMING SYSTEMIC BARRIERS IN OUR PROFESSION."

"...THE "HANDS ON" TRAINING THAT THE ACTL PROVIDED
REALLY RESONATED WITH ME, AS DID YOUR FEEDBACK AFTER
WE MADE OUR TRIAL SUBMISSIONS ON SUNDAY."

"...A WONDERFUL OPPORTUNITY TO SHARPEN OUR ORAL ADVOCACY SKILLS,
TO LEARN HOW TO CONDUCT DIRECT AND CROSS-EXAMINATIONS, AND
HOW TO IMPEACH WITNESSES IF THEY GIVE INCONSISTENT STATEMENTS.
I HIGHLY RECOMMEND THE PROGRAM TO OTHER LITIGATORS."

"I LEARNED A LOT, HAD FUN, AND LEAVE WITH
SEVERAL NEW CONNECTIONS."

"THANKS FOR INCLUDING ME ON THIS – GREAT
PROGRAM AND GREAT PEOPLE."

"FUN"

"IT WAS BOTH ENRICHING AND A PRIVILEGE TO WATCH
LAWYERS LIKE [THESE] SHOW HOW BRILLIANTLY THEY'VE
MASTERED THEIR ADVOCACY AND TRIAL SKILLS."

"I WENT INTO THE PROGRAM WITH HIGH EXPECTATIONS, AND I CAN
CONFIDENTLY SAY THAT THEY WERE NOT ONLY MET BUT EXCEEDED."

"THE PROGRAM WAS CHALLENGING, BUT THE REWARDS WERE IMMENSE."

"I HAD THE OPPORTUNITY TO SHARPEN MY ADVOCACY SKILLS ALONGSIDE
INCREDIBLY TALENTED LAWYERS, ALL WHILE BEING SURROUNDED
BY A SUPPORTIVE COMMUNITY DEDICATED TO PERSONAL AND
PROFESSIONAL GROWTH AND DIVERSITY IN THE COURTROOM."

"A HUGE THANK YOU TO THE ACTL FELLOWS WHO SERVED AS FACULTY
AND TO EVERYONE INVOLVED IN ORGANIZING THIS EXCEPTIONAL EVENT."