

**THE LLOYD LOCHRIDGE**  
**AMERICAN INN of COURT**  
*Chartered by the American Inns of Court Foundation*

September 1, 2020

Dear Friends,

Thirty years ago the Chicago Tribune reviewed a book by an original member of the Saturday Night Live cast: *It's Always Something*, by Gilda Radner. For those of us who make a living telling other people's stories, the Tribune piece provides a nice summary of Radner's narrative:

Radner had planned a book about a young woman from Detroit who becomes famous on national TV, and then, "with all the world coming her way, gets this horrible disease of cancer, is brave and fights it . . . and then, miraculously, things are neatly tied up and she gets well." She also had planned an eight-city media tour to promote the book. Instead, the comedienne died in her sleep at age 42 on May 20, with her husband, actor Gene Wilder, by her side.

While it's probably more fitting to quote Abraham Lincoln or Clarence Darrow when addressing members of our profession, I'm going to start with a tribute to Gilda Radner:

I wanted a perfect ending. Now I've learned, the hard way, that some poems don't rhyme, and some stories don't have a clear beginning, middle, and end. Life is about not knowing, having to change, taking the moment and making the best of it, without knowing what's going to happen next. Delicious Ambiguity.

– Gilda Radner

I think it's the Delicious Ambiguity that creates the bond among trial lawyers. This is the hardest part of teaching trial advocacy to law students: there isn't always a right answer in trial. The best strategy for cross-examination when you're preparing in a conference room may end up being the worst idea once you're in the courtroom. How can the witness you've prepared for hours completely flub the foundational questions when you're offering documents into evidence? It is the uncertainty, the unpredictability, and the chaos of trial – and those who love it – that creates the bond of this Inn.

But therein lies a Delicious Contradiction. The unpredictability of trial is quite different from the unpredictability of the future of our profession. Emeritus member Professor Tracy McCormack once explained, "I can simultaneously love trial and not love conflict. Conflict has no rules of engagement. Trial has hundreds of rules of

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engagement.” While disagreement drives our profession every day in court, it is a predictable, civil, and professional form of disagreement. We have entered a time of rapid adjustment where our advocacy does not change, but our methods must.

Historically, we have adapted to change glacially. But over the last six months, we have all had to adapt to depositions in our living room, striving to maintain the integrity of our profession when Nerf gun battles are happening just off-camera. And we’ve lost the pomp-and-circumstance that used to signal our importance. All of the beauty of our courtrooms and the décor which signify solemnity are lost when your virtual background results in a disembodied head questioning the witness. There’s nothing quite like watching in horror as a litigant begins to disrobe at the end of a hearing, forgetting that his camera is still turned on (tip of the hat to Judge Howell).

What sets this Inn apart from the rest of our field is that our members are at the forefront of our profession.

A few weeks ago member Judge X held the nation’s first Zoom-based criminal jury trial. Professor X has become a leading expert in online advocacy and remote voir dire. And our lawyers and trial and appellate judges have put in hundreds and hundreds of hours navigating hearings, admitting evidence, and devising new methods of litigating remotely. I anticipate that many of our discussions this year will not simply be academic; our members are responsible for creating the new norms and rules governing our profession.

This Inn year cannot be like any other Inn year because it is unlike any other time.



I write to formally welcome you to the 2020-2021 Lloyd Lochridge American Inn of Court, to tell the newcomers about what we’re like all the time, and to tell everyone how we’ll operate during this time.

The Lochridge Inn has a particular interest in trial, and our monthly discussions reflect the spirit and zest of people passionate about the issues affecting our profession. Whether this is your first year with us or your twelfth, we hope that you find your time with the Inn meaningful. We have long been fortunate to have among us outstanding members of our profession, and we are truly glad to have you as part of our group this year. We know that your time is valuable and you have many other commitments. We appreciate your sharing your precious time with us.

Due in large part to the work of Inn member X, the Lloyd Lochridge American Inn of Court has been awarded the Achieving Excellence Platinum designation for our work last year. As our national organization remarked, “Your hard work and dedication

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has distinguished your Inn as an example of American Inn of Court best practices. The fact that you persevered through a once-in-a-lifetime global pandemic is notable and speaks to the quality of your leadership team. Thank you for continuing to advance our shared mission no matter the obstacles."

Please go out of your way to welcome our new members this year:

- The Hon. X(Master)
- BX(Barrister)
- SX (Barrister)
- BrX(Associate)
- DX (Associate)

...as well as welcome the return of our beloved member who returned from working overseas, X.

For those joining an Inn of Court for the first time, I write to share our founding principles. The mission of the American Inns of Court is to foster excellence in professionalism, ethics, civility, and legal skills for practitioners, judges, and professors to enhance the quality, availability, and efficiency of justice in the United States. The Inns include lawyers, law professors, judges, and law students in social and program meetings adapted from the traditional English legal apprenticeship model. They are designed to facilitate the exchange of ideas and experience and to mentor younger members by association with more experienced members. We hope to foster a culture of commitment to the highest standards of our learned profession and encourage its practice with dignity, civility, and courtesy. Your active participation makes this possible.

So how will we achieve this remotely?

The Executive Committee has spent many, many hours discussing how to meet during this challenging time. Because there is so much uncertainty – in our lives, in our professions, and in our staff and clients’ lives – it would be wonderful to have at least something return to “normal” to provide you with a professional refuge from the storm.

Whether we meet in-person or remotely as an Inn is trivial in the context of everything else happening in the world. And yet for those who have kids at home (like the incoming high school senior in our household), these are nevertheless *big* details.

I am writing to inform you of the results of our efforts – mindful that they may be subject to change.

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## DUES

Based upon relentless advocacy from Executive Board Committee member X, the Board voted to reduce dues to partially cover two out of pocket expenses: \$88.00/ per member dues to the National Inn of Court, and \$X annual payment to our Administrator. Compared to last year's dues structure, this year's dues are as follows:

<u>Last Year's Dues</u>		<u>2020-2021 Dues</u>	
Master	\$ Tier 1	Master	\$ Flat rate
Barrister	\$ Tier 2	Barrister	\$ Flat rate
Emeritus	\$ Tier 3	Emeritus	\$ Flat rate
Associate	\$ Tier 4	Associate	\$ Flat rate

Each of you will receive an invoice by email for your \$Flat rate dues. You may also have your Firm or administrator send a \$Flat rate check to:

Treasurer's Name  
For: Lloyd Lochridge American Inn of Court  
**Treasurer's mailing address**

We are planning to meet remotely from September through December. Should the Board vote to conduct in-person meetings at Chateau Bellevue in 2021, we may need to revisit our dues to cover the costs of catering for our monthly dinners.

## DINNERS

The Board debated three options for dinners this fall when we meet remotely: no dinner, a central location where members can pick up a catered meal, or a catered meal delivered to your home.

Based upon a recommendation and help from Judge X, we opted for the third choice. It is not mandatory and thus, not covered by your dues. Some members may wish to order a meal for their entire family, others may not want a catered dinner at all. The Board believes our best role is in facilitating this service and allowing each member to choose what is best, month by month.

Our caterer is BX owner of El Locavore catering (<https://ellocavore.com/>). BX currently runs a Supper Club that delivers meals for 2 or 4 persons every week. For our Inn members, she will create a menu and deliver the meal on Tuesday afternoons. The cost, including delivery, is \$42 for dinner, dessert, and breakfast for two people, and \$65 for four people. (Note: to put the cost in perspective, our food cost for Chateau Bellevue is approximately \$35 per person,

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not including alcohol). BX has been wonderful to work with and is developing a portal on her website to allow us to view the menu and place orders for our Inn. She also mentioned that if our members needed a price for fewer or more family members, she could run the pricing on that as well.

## DATES

We meet on the third Tuesday of each month. The meeting and presentation schedule for this Inn year is:

September 15: Mandatory Orientation  
October 20: Team 1  
November 17: Team 2  
December 15: Team 3  
January 19: Team 4  
February 16: Team 5  
March 23: Team 6 (Date adjusted for Spring Break)  
April 20: Team 7

You will receive your team assignment before the September orientation meeting.

Masters, Barristers, Associates, and Students may not miss more than three regular meetings; a fourth absence results in automatic termination of your membership. Emeritus members do not have an attendance requirement or a term limit, but they will be assigned to a presentation team and will participate with that team's activities.

We have changed our meeting times slightly for our fall, remote meetings. Social hour (Yes! It can still happen and is needed!) will begin at 6:00 p.m.; the team CLE presentation will last from 6:30 to 7:45 p.m.

## DISCUSSION

To accommodate and improve remote discussion this year, we're going to borrow a technique from one of the most influential films released in the past decade. No, not *Parasite* or *Moonlight* or *The King's Speech*. No offense to *The Shape of Water* or *Birdman* or even *Legally Blonde 2*. I'm referencing the modern classic, *World War Z*.

Yes, it has Brad Pitt. Yes, it's about a Zombie Apocalypse. Yes, it's a movie about a cure for a virus ravaging the world. But the best part of the movie is a scene discussing the problems of group-think and truth-default theory popularized by Malcolm Gladwell's most recent book, *Talking to Strangers*. It's called the Tenth Man principle, and the scene involves Brad Pitt (Gerry Lane) politely questioning how the tiny country of Israel was prepared for the Zombie Apocalypse when the rest of the world was caught flat-footed:

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*Jurgen Warmbrunn:* In the '30s, Jews refused to believe they could be sent to concentration camps. In '72, we refused to be massacred in the Olympics. In the month before October 1973 we saw Arab troop movements, and we unanimously agreed that they didn't pose a threat. Now, a month later, the Arab attack almost drove us into the sea. So, we decided to make a change.

*Gerry Lane:* A change?

*Jurgen Warmbrunn:* "The tenth man." If nine of us with the same information arrived at the exact same conclusion, it's the duty of the tenth man to disagree. No matter how improbable it may seem, the tenth man has to start thinking with the assumption that the other nine were wrong.

*Gerry Lane:* And you were that tenth man?

*Jurgen Warmbrunn:* Precisely.

The clip (although it's hard to hear) can be found here:

<https://www.youtube.com/watch?v=AcNK7M2eCI4>

Most of us make our living as advocates. Yet during many of our monthly discussions, we rely upon the same courageous members to push the envelope and question assumptions. Their efforts make us better as a profession, but when we tackle hard issues – like the legal intersection of race or politics or religion – it is easier to politely remain quiet.

No more! This year's Inn is a full contact intellectual sport. Every Team will be forced to defend their position against an opposing team of Skeptics. Whether we label this function a Tenth Man or Devil's Advocate or Righteous Skeptic, the assignments are as following:

<b>Month</b>	<b>Presenting Team</b>	<b>Skeptic Team</b>
October	Team 1	Team 7
November	Team 2	Team 1
December	Team 3	Team 2
January	Team 4	Team 3
February	Team 5	Team 4
March	Team 6	Team 5
April	Team 7	Team 6

*Note:* "Skeptic" does not mean "heckler" a la Statler and Waldorf from the Muppet Show. The goal, as in our adversarial system, is simply to provide voice to the opposing viewpoint. The Skeptic Team should adapt the mindset of serving as a circuit court sitting en banc.

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## SERVICE

Last year Inn member CX eloquently expressed that our Inn has never just been a supper club. "The people in the room not only change society, but they have the capacity to form a profound community for each other." Sometimes we achieve this through our programming choices (imagine a theme of, "Hard and Even Harder Conversations that We Don't Want to Have"). It's also what happens outside of our monthly meetings.

Due to the efforts of past-president CX our Inn organized monthly service at the Voluntary Legal Services clinics. However, due to Covid-19, VLS has suspended in-person legal intake and advice clinics until they are given notice that in-person clinics can resume again safely. We are fortunate to have JX from VLS as a member of our Inn. I know that he will help us navigate how to continue to serve the Central Texas legal community.

Inn member NX is also spearheading efforts for members to assist in a project she is involved with through 8 Million Stories. The organization's mission is to transform the lives of vulnerable youth aged 14 to 18 through education, skills training, employment, and authentic relationships, and in doing so to dismantle the school-to-prison pipeline. Nicole is currently writing an amicus brief for a client on death row.

## MENTORSHIP

To further improve our efforts to care for each other, Judge X leads our Inn mentorship program. Associates will be matched with Masters, and this year's mentorship will add to - and not replace - your existing mentor-mentee relationships. While harder to grab a cup of coffee, it's still just as easy to pick up the phone and check in with one another.

## ADMINISTRATION

Your 2020-2021 Executive Committee is comprised of the following members:

The Hon. X	PRESIDENT-ELECT
RX	MEMBERSHIP DIRECTOR
DX	TREASURER
CX	PROGRAMMING CHAIR
AX	PROGRAMMING CHAIR
The Hon. DX	MENTORSHIP DIRECTOR
MX	PAST PRESIDENT
KX	PAST PRESIDENT
CX	PAST PRESIDENT
The Hon. EX	PAST PRESIDENT
The Hon. AX	JUDICIAL ADVISOR

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Our Inn Administrator is AX. AX will be sending separate information regarding the website as the tool we will use for communication, including meeting notifications, team information, administration, and membership information.

If you have any other questions, please do not hesitate to contact me at the office at (512) X or on my cellphone at (512) X. It is my privilege to serve you this year, as well as provide as many pop culture references of the 1970s as possible.

To adapt Ms. Radner's quote, our profession is one of service. And when you're in the service profession, it's about not knowing, having to change, taking the moment and making the best of it, without knowing what's going to happen next. This is what exemplifies good lawyering. As the venerable and learned scholar Mike Tyson once remarked, "Everybody has a plan until they get punched in the mouth."

We all get punched in the mouth for a living. We get back up. If any profession can thrive during this time, it is ours. Our mission is to lead the way.

Delicious Ambiguity with a  
Vicious Uppercut,



David M. Gonzalez  
PRESIDENT  
LLOYD LOCHRIDGE INN OF COURT

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