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JUDGE MYRON H. THOMPSON, OF THE U.S. DISTRICT COURT, MIDDLE DISTRICT OF ALABAMA, AT THE 2017 ANNUAL MEETING IN MONTRÉAL. "EACH OF US MUST BE ABOUT BEING A HUMAN BEING."

A SERVANT OF THE COURTS AND COMMUNITY



AUL H. TITUS, A LONGTIME FELLOW OF THE COLLEGE WHO PRACTICES LAW IN THE PITTSBURGH OFFICE OF SCHNADER HARRISON, RECENTLY WAS HONORED, ALONG WITH TWO OTHER LAWYERS, WITH THE 2017 ALAN JAY JOSEL ADVOCACY AWARD, PRESENTED AT THE ANNUAL CONFERENCE OF THE PENNSYLVANIA ASSOCIATION OF CRIMINAL DEFENSE LAWYERS. HE WAS RECOGNIZED FOR HIS WORK ON AN AMICUS BRIEF ON BEHALF OF THE ASSOCIATION IN A CASE IN WHICH THE PENNSYLVANIA SUPREME COURT HELD THAT CLAIMS FOR ANTICIPATED SIXTH AMENDMENT INEFFECTIVE ASSISTANCE OF COUNSEL VIOLATIONS COULD PROCEED AGAINST COUNTIES THAT UNDERFUND PUBLIC DEFENDERS.



This award is just the latest of the honors Titus has received over the years. He has received those well-deserved awards even though he refuses to assist those who are seeking to give him recognition and credit for his efforts. Each person spoken to for this article emphasized his modesty and humility.

He believes that as members of the legal profession, all have a duty to help those in need of access to justice, without seeking recognition or credit for doing so: “As a lawyer, you need to put your learning to work to help and serve others.” But he deserves recognition from for the example he has set for the profession. Given the College’s emphasis on the importance of assuring access to justice, Titus’s example stands as a reminder to all Fellows of the obligations as persons having the privilege to practice law.

Just a few matters demonstrate his extraordinary pro bono service and community service over the years.

In early 2000, the federal public defender’s office in Philadelphia asked Titus if he would assist in the appeal of the murder conviction of Thomas H. Kimbell, Jr. to the Pennsylvania Supreme Court. In 1996, following a jury trial, Kimbell, a former drug addict with a long history of psychological problems, had been convicted of the brutal murders of a young mother, as well as her two daughters and a young niece, who were just seven, six and four-years-old.

During trial, the court sustained the prosecution’s objections to certain exculpatory evidence on the ground that a party cannot impeach his own witness. When a neighbor was deposed, she had testified that the murdered mother had interrupted their phone conversation with a statement to the effect that she had to get off the phone because her husband was pulling up in the driveway. At trial, the neighbor testified only that the victim said she had to get off the phone because a car was pulling up in the driveway.

The intermediate appellate court sustained the prosecution's objection to the admission of that deposition testimony. In October of 2000, the Pennsylvania Supreme Court overturned the conviction, holding the evidence should have been admitted. It ordered a second trial.

Titus was asked to assist in the second trial and did so. While preparing for the retrial, he uncovered a key piece of medical evidence that had previously been overlooked. Kimbell is a hemophiliac, and had checked into a drug rehabilitation center for the day after the murders. A routine full physical at that time showed he had no bruises or marks on his body.

DNA evidence also proved critical on retrial. There was no evidence of Kimbell's DNA anywhere at the crime scene; on the other hand, the DNA of the victim's estranged husband was found on several washcloths in the bathroom. Moreover, the estranged husband was at the crime scene on the day of the murder and, according to testimony, was the person who found the bodies. A photo taken the day of the murder by police showed that the husband's hands were covered with cuts and bruises. Titus presented this and other key medical evidence to the jury.

After twelve hours of deliberation, the jury returned a unanimous verdict of not guilty. Titus since has brought a malicious prosecution case against the arresting state troopers, alleging they ignored significant evidence that the husband was the murderer and improperly prosecuted Kimbell. This matter is ongoing.

Another example of his pro bono work concerns a case where the city of Hazelton enacted ordinances to prevent persons without legal immigration status from renting housing in the city on the grounds that an influx of illegal aliens would cause an increase in crime and downturn in the economy. After the court held the ordinances invalid and the city appealed, Titus filed an amicus brief on behalf of twelve interfaith organizations in support of the decision invalidating the ordinances. He argued that every immigrant group in our nation's history had met false charges that their immigration would increase crime and hurt the economy. Ultimately, the ordinances were invalidated.

Yet another example involved the Pennsylvania Department of Corrections concerning the witnessing of lethal injection executions, which prevented members of the public and the press selected to witness such executions from viewing the executions in their entirety. In particular, the policy prevented witnesses from observing whether technicians encountered difficulties in inserting the IV lines and also blocked the witnesses from determining if the lethal drugs were working as intended or causing traumatic injury or mental anguish to the inmate.

In September of 2012, he partnered with the American Civil Liberties Union of Pennsylvania to challenge the policy on behalf of the *Philadelphia Inquirer* and the Harrisburg *Patriot-News*. They filed a Section 1983 action in federal court and immediately moved to preliminarily enjoin enforcement of the policy during two executions that were scheduled to occur in the near future. After expedited discovery and an evidentiary hearing, the court granted the injunction.

In the end, as part of a negotiated settlement, the Department of Corrections agreed to amend its policy and permit the viewing and hearing of executions from the time the inmate enters the execution chamber until he/she is declared dead.

Throughout his notable legal career, Titus not only has served as a leader and a mentor to attorneys at Schnader, but has also served as a leader and role model through his work with many different educational, civic and community organizations in and around Pittsburgh.

Among other things, he has been very active with the Sr. Thea Bowman Catholic Academy in Wilkesburg, a working-class suburb of Pittsburgh. He teaches constitutional law to the school's eighth grade students, and also runs a mock trial program for them, in which he meets with the students monthly and recruits other attorneys in town to serve as coaches. He set up the program and essentially runs it himself. As part of this program, he also takes the students on trips to Harrisburg and Washington, D.C., where they visit the Supreme Court and local legislators.

On top of all this, Titus finds time for bar work at the local, state and national level, as

well as serving as Chair of the Board of the American Judicature Society. He is a founding member of Pennsylvanians for Modern Courts, and has been a stalwart advocate of merit selection for decades (Pennsylvania elects all its judges in partisan elections.) He has been active in the College as well, serving on both the Access to Justice and Legal Service Committee and the Teaching of Trial and Appellate Advocacy Committee, as well as the Pennsylvania State Committee.

Titus is one of the most respected lawyers in the state, for both his litigation skills and his unwavering commitment to justice. He has been a member of the Schnader Harrison law firm since 1999. In 2003, he received the Firm's "Earl G. Harrison Pro Bono Award."

Dennis R. Suplee, a Former Regent of the College, said "In reality, the firm could give Paul the award every year for his continued pro bono efforts. But of course Paul would reject all such recognition."

When Titus is not in the office, Bonnie, his beloved wife of sixty years, is never far from his side. Paul and Bonnie have three children and two grandchildren, who still gather to share Sunday dinners together. He is a lover of nature, and looks forward to spending quiet weekends at his country house in the woods.

In the Pittsburgh community, and beyond, Titus is sought after for his wisdom, compassion, and judgment. He exudes calm and peace, and never has a bad word to say about anyone. His Schnader colleague, Nancy Winkelman, immediate past President of the American Academy of Appellate Lawyers, described him as "one of the most beautiful people I have ever known, kind and gentle, with a healthy dose of irreverence and humor!... Walking through Pittsburgh with him is quite an experience," she said. "He keeps his pocket full of \$5 bills, and stops to give one to every homeless person he sees." His impact on the community and the profession, in small and great ways, is an inspiration to us all.

Sylvia H. Walbolt
Tampa, Florida