

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
CIVIL TRIAL DIVISION**

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ACE AMERICAN INSURANCE COMPANY	:	JULY TERM 2001
Plaintiff,	:	
v.	:	No. 0077
UNDERWRITERS AT LLOYDS AND	:	COMMERCE PROGRAM
COMPANIES, et al.	:	
Defendants.	:	

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**OPINION**

Following the trial in this matter, on March 21, 2006, this Court entered an order revoking the *pro hac vice* admission of J. Randall Evans, Esquire. Mr. Evans thereafter appealed the Court's Order. This Court issued an Opinion relative to the appeal, which stated, in pertinent part:

A review of Evans' closing remarks – as well as his conduct throughout the trial - demonstrates improper behavior which is not acceptable in this Commonwealth. As evidenced by the record, such conduct included racial pandering, misstatements of the law, circumvention of the rulings of the court, attempts to unfairly portray the defendants' actions as racially motivated, improper attempts to personalize the case, and other unprofessional conduct.<sup>1</sup>

On appeal, the Pennsylvania Superior Court did not question the Trial Court's observations. It stated:

[W]ith all due respect to the trial court's observations (which we do not question at all), we are convinced that, in this particular instance, Mr. Evans should have been advised in advance that his *pro hac vice* admission was in peril of revocation and should also have been given an opportunity to be heard in advance of any such revocation.<sup>2</sup>

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<sup>1</sup> Ace Am. Ins. Co. v. Underwriters at Lloyds & Cos., 2007 Phila. Ct. Com. Pl. LEXIS 30, \*18-19 (2007).

<sup>2</sup> Ace Am. Ins. Co. v. Underwriters at Lloyds & Cos., 939 A.2d 935, 948 (Pa. Super. 2007).

The Superior Court then vacated the March 21, 2006 Order and remanded the matter to this Court to give Mr. Evans a due process hearing.

The due process hearing has now taken place before the three-judge panel of the Commerce Program. Mr. Evans has committed to modifying his behavior henceforth.

Specifically, the following exchange took place during the due process hearing:

**THE COURT:** If you concluded that a reasonable jury, as reasonable they must have been or they never would have been selected to the jury, so I presume that everyone concluded that they were reasonable people, free of bias and prejudice -- if you've concluded now that a reasonable person could have interpreted the closing argument as racial pandering, regardless of your intent, would it be your intent in the future to speak similarly to other juries?

**MR. EVANS:** No. I will be much more careful about making sure that I don't even go near the line. I'm -- I'm -- I'm -- listen, I -- I -- I -- I've got the scar here.

(N.T. 6/5/08 at 169:4-21). Thus, Mr. Evans now knows where the line is and has stated that he has no intention of behaving similarly in any future case in this Commonwealth. Accordingly, the three-judge panel sees no reason to take any action in this matter beyond the Order of the Superior Court dated December 20, 2007.

**BY THE COURT:**

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**HOWLAND W. ABRAMSON, J.**

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**MARK I. BERNSTEIN, J.**

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**ALBERT W. SHEPPARD, JR., J.**

**Dated: 8/7/08**