You know you’ve been waiting for it...

Bobby Segall’s “Distinguishable Lawyers 2011” list in this issue!
Did you make the list?

Celebrate the Season Together
By Kendall Dunson, President MCBA

The holidays are a time for coming together and celebrating the season. Many of us will take this time to reflect on the past and look forward to new and exciting ventures. As we approach the year’s end and prepare to bring in the new year, we are reminded about what is truly important. We begin to reflect on our families, reassess how we allocate our time, and set well-intentioned goals. As you make your plans during this holiday season, please join MCBA in giving to those who are less fortunate by donating to Toys for Tots at our annual Christmas party. The U.S. Marine Corps’ Toys for Tots program collects new, unwrapped toys and gift cards each year, and distributes them as Christmas gifts to needy children in our area.

MCBA will host its annual Holiday Gala on Thursday, December 15, 2011 at Wynlakes Golf and Country Club. This event is always filled with fun and comraderie. Join us as we greet old friends and meet new colleagues. You must RSVP by Dec. 12. There will be great food, and live entertainment as we dance the night away to the Fountain City Players. We look forward to seeing you there.

Kendall Dunson, MCBA
President 2011

Have you ordered your tickets to the Holiday Gala?
Dec. 15th
6:30-9:30 p.m.
Wynlakes Country Club
Bring a toy for Toys for Tots!
Call 265-4793 or email dotrobinson@mc-ala.org to RSVP and reserve your 2 free tickets. RSVP by Dec. 12.
Member News

MCBA welcomes five new members:

Beau Darley—Frederick Bryan Darley, III, Esq.
John P. Hagood—Capital Resources of Alabama, Inc.
James W. Lampkin, II—Beasley, Allen, Crow, Methvin, Portis, & Miles
Michael Martin—Law Office of Michael S. Martin
Michelle Sylvester—Alabama Dept. of Postsecondary Education

Best Lawyers has named three Rushton, Stakely, Johnston, & Garrett, P.A. attorneys as Lawyers of the Year for 2012. Those receiving this designation are:

Thomas Keene—Montgomery Best Lawyers Medical Malpractice Law-Defendants Lawyer of the Year
J. Theodor Jackson—Montgomery Best Lawyers Trust and Estates Lawyer of the Year
Robert C. Ward, Jr.—Montgomery Best Lawyers Insurance Law Lawyer of the Year.

Steven Naifeh, President of Best Lawyers, says, “We continue to believe—as we have believed for more than 25 years—that recognition of one’s peers is the most meaningful form of praise in the legal profession. We would like to congratulate Thomas H. Keene, J. Theodore Jackson, and Robert C. Ward, Jr. on being selected as the Lawyers of the Year for 2012.”

Also, eighteen attorneys at Rushton Stakely have been chosen for the 2012 edition of The Best Lawyers in America: Dennis R. Bailey, Jeffery W. Blitz, L. Peyton Chapman, Ronald G. Davenport, William I. Eskridge, James W. Garrett, Jr., Richard B. Garrett, William S. Haynes, James Theodore Jackson, Paul M. James, Thomas H. Keene, Daniel L. Lindsey, Patrick M. Shegon, Christopher S. Simmons, Frank J. Stakely, Fred W. Tyson, Robert C. Ward, Jr., and Helen Crump Wells. Congratulations to all.

Reminder: the Montgomery County Courthouse will be closed December 23 and 26 and January 2 in observance of Christmas and New Year.
Taxation of E-Discovery Costs in Federal Civil Litigation

Ally Windsor Howell

A prevailing party unless a federal statute, the Federal Rules of Civil Procedure, or a court order provides otherwise is entitled to recover costs, other than attorney’s fees. Allowable costs are provided by statute. The relevant part of that statute provides for the taxation of

Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case;

The Judicial Administration and Technical Amendments Act of 2008 changed the relevant language of this sub-section from “fees for exemplifications and copies of papers” to “fees for exemplification and the costs of making copies of any materials.” [Emphasis added]

It is “black letter law” that the court may tax only those costs authorized by statute. The question is what does the statute authorize? That question has mixed answers in the federal courts, but the decided trend is in favor of allowing e-discovery expenses as costs. The only two U.S. Circuit Courts of Appeals – the Sixth and Seventh Circuits – to have addressed the issue have approved taxing e-discovery expenses as costs. And, six of the eleven U.S. District Courts to address the issue have approved taxing e-discovery expenses as costs.

1 Rule 54(d), FEDERAL RULES OF CIVIL PROCEDURE
2 28 U.S.C.A. § 1920
3 28 U.S.C.A. § 1920(4)
4 PUBLIC LAW 110–496, § 6, 122 STAT. 4291, § 3596
6 See: BDT Prod., Inc. v. Lexmark Int'l, Inc., 405 F.3d 415 (6th Cir. 2005) and Hecker v. Deere & Company, 556 F.3d 575 (7th Cir. 2009),reh. and reh. en banc den. 569 F.3d 708 (7th Cir. 2009), cert. den. ___ U.S. ___, 130 S.Ct. 1141, 175 L.Ed.2d 973 (2010)
Those courts allowing taxation of e-discovery costs have focused on two aspects of e-discovery and the wording of the statute, which specifies what items are taxable as costs. Some cases have focused on the term “exemplification” in sub-section (4) of the statute. The “black letter law” definition of exemplification is an “official transcript of a public record, authenticated as a true copy for use as evidence.” But, for the purposes of the taxation of costs the Seventh Circuit stated that “exemplification” “signifies the act of illustration;”; so long as “the means of presentation furthers the illustrative purposes of an exhibit ... it is potentially compensable.” And, the Sixth Circuit stated that “electronic scanning and imaging” may constitute “exemplification,” within the meaning of 28 U.S.C.A. § 1920(4). The District Courts approving e-discovery expenses have found that “the electronic scanning of documents is the modern day equivalent” of exemplification and copying of paper documents, and “scanning is akin to copying. The purposes of the two methods are largely the same, to reproduce a document so that it may also be utilized by multiple parties and individuals.”

Other cases approving the taxation of e-discovery expenses have likened the services of e-discovery contractor expenses to the “making copies of any materials where the copies are necessarily obtained for use in the case.” One court stressed that the services provided by the prevailing party’s consultant were not the type of services that a paralegal or even attorney would have provided in the days of extensive paper discovery. The expenses that a competitor incurred in retaining a computer consultant to collect, search, identify and help produce electronic documents from its network files and hard drives in response to the patentee's discovery requests were taxable as costs in a patent infringement action, where the highly technical services provided by the computer consultant were “not the type of services that attorneys or paralegals are trained for or are capable of providing. The services are highly technical. They are the 21st Century equivalent of making copies.”

Lawyers seeking to tax e-discovery expenses as court costs should segregate and document disbursements that most closely correspond to 28 U.S.C.A. § 1920 categories of taxable costs. It will be useful to establish that the producing party incurred the expenses in response to a request by or agreement with an opponent or an instruction from the court (e.g., “produce as .tiff images with load files”) and that the cost was necessarily incurred to fulfill that request. One court which allowed e-discovery costs stressed that the production was in “response to the Court’s Scheduling Order, the parties agreed that document production would be made in electronic format.” And another court noted that the costs were for converting computer data into a readable format was in response to the plaintiffs' discovery requests.

It is key to show that the benefits reached the requesting party or the court. Be specific, and closely track the statutory language, likening to printing, copying, exemplifying or even translating as appropriate. Studiously exclude costs principally benefitting the producing party or incurred merely for counsel's convenience, and consider whether using a court-appointed neutral for e-discovery

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8 28 U.S.C.A. § 1920
9 28 U.S.C.A. § 1920(4)
10 See: Arcadian Fertilizer, L.P. v. MPW Industrial Services, Inc., 249 F.3d 1293, 1296 (11th Cir. 2001)
11 Cefalu v. Village of Elk Grove, 211 F.3d 416, 427-428 (7th Cir. 2000)
12 BDT Prod., Inc. v. Lexmar Int'l, Inc., 405 F.3d 415, 420 (6th Cir. 2005)
14 El Dorado Irrigation Dist. v. Traylor Bros., Inc., 2007 WL 512428, at *10 (E.D. Cal. 2007)
18 Hecker v. Deere & Company, 556 F.3d 575 (7th Cir. 2009), reh. and reh. en banc den. 569 F.3d 708 (7th Cir. 2009), cert. den. ___ U.S. ___, 130 S.Ct. 1141, 175 L.Ed.2d 973 (2010)
enhances your ability to tax such expenses as costs.

Do not forget to check the local rules adopted by various U.S. District Courts. One court allowing e-discovery costs relied heavily on its local rules. For example, the U.S. District Court for the Northern District of California's Local Civil Rule 54–3(d)(2) provided that a prevailing party could recover the “cost of reproducing disclosure or formal discovery documents when used for any purpose in the case.” (emphasis added) In upholding the taxation of those costs, the court stated:

The tasks of collecting client documents, reviewing those documents, and determining which documents are relevant are essential—and often costly—parts of investigation and discovery. In this action, plaintiffs propounded document requests and sent subpoenas to defense counsel, pressuring defendants to get cracking on their document production (Hughes Decl. ¶ 3). The reproduction costs defendants incurred in collecting, reviewing, and preparing client documents for production were necessary expenditures made for the purpose of advancing the investigation and discovery phases of the action. As such, they are properly taxable. 19

The amount of e-discovery costs can be substantial. For example, two defendants who had prevailed on summary judgments, which had been affirmed on appeal, filed Bills of Costs in which the majority of amounts requested involve e-discovery costs. One defendant sought a total of $194,147.31, of which $143,007.05 was e-discovery costs. The other defendant sought a total of $274,765.13, of which $246,101.41 was e-discovery costs. The Clerk of Court taxed the first defendant's e-discovery costs should be taxed in the reduced amount of $125,580.55 and that the second defendant's e-discovery costs should be taxed in the reduced amount of $241,788.81. The District Court affirmed these awards. 20

In another case, the prevailing party asked for $186,488.95 in costs, and the District Court awarded it $164,814.43 and Court of Appeals affirmed. 21

Another court awarded $243,453.02 in such costs. 22 Yet another court awarded e-discovery costs in the amount of $115,205.21. 23

Lastly, a court awarded costs in three areas: (1) $4.6 million in costs for creating a litigation database; (2) $600,000 in costs for trial evidence presentation; and (3) $200,000 in costs for copies. 24

Finally, e-discovery costs are being allowed in Alternative Dispute Resolution. In 2008, the Chartered Institute of Arbitrators (CIA), a London-based provider of international arbitration services, published a “Protocol for E-Disclosure in Arbitration.” The CIA Protocol provides guidelines for cases in which “potentially disclosable documents are in electronic form,” and where “time and cost” may be an issue. For example, it calls for the tribunal and the parties to discuss e-discovery matters, including ESI preservation, privilege protection, and techniques to reduce e-discovery burdens and costs, “at the earliest opportunity.”

21 Hecker v. Deere & Company, 556 F.3d 575 (7th Cir. 2009), reh. and reh. en banc den. 569 F.3d 708 (7th Cir. 2009), cert. den. ___ U.S. ____, 130 S.Ct. 1141, 175 L.Ed.2d 973 (2010)
One technique it suggests to achieve these goals is an agreement of the parties on ESI search terms. The CIA Protocol also calls for the tribunal to consider issues of “reasonableness and proportionality” when ruling on requests for e-discovery. Like the ICDR Guidelines, it notes that the “primary source” of disclosure should be “reasonably accessible” data, and that documents should normally be produced “in the format in which the information is ordinarily maintained or in a reasonably usable form.”

The CIA Protocol specifically addresses discovery of metadata, suggesting that the proper procedure should be for the requesting party to demonstrate both “relevance and materiality,” since these factors outweigh the costs and burdens of producing metadata.

Finally, the CIA Protocol allows the tribunal to allocate the costs of e-discovery and fees for “technical guidance” on e-discovery issues to the requesting party, and tax these costs as part of the costs of the arbitration in the final award. 25

25 Steven E. Bennett, E-Discovery Issues: What Parties and Their Counsel Need to Know in Anticipation of and During Arbitration, 64 DISPUTE RESOLUTION JOURNAL 20, 23-34(Feb. – Apr. 2009)

Ally Windsor Howell, is a member of the Alabama Bar and former member of the Montgomery County Bar. She earned her J.D. at Jones School of Law and her LL.M. at the State University of New York at Buffalo School of Law. She is the author of Alabama Civil Practice Forms 4th Ed.(Michie/Lexis), Alabama Rules of Civil Procedure Annotated 4th Ed. (West), Alabama Personal Injury and Torts (West), Trial Handbook for Alabama Lawyers 3rd Ed. (West), and Tilley’s Alabama Equity 5th Ed. (West) which is due to be released in 2012. She has also authored a number of published articles in law reviews, bar journals, and publications. She now resides in Elmira, NY.

Notice to Montgomery County Bar Members

Intent to Run for MCBA Officer or Board of Directors

Any member of the Montgomery County Bar Association who plans to run for Secretary/Treasurer or for the two positions on the Board of Directors for the 2012 term must submit a letter of intent to run on or prior to December 15, 2011. Any candidate for Secretary/Treasurer must first serve on the Board of Directors.

The letter should be addressed to:
David Martin
Copleand, Franco, Screws, & Gill, P.A.
P.O. Box 347
Montgomery, AL 36101-0347

A copy of the letter of intent to run and a short biography and photograph must be sent to:
Suzanne B. Duffey, Executive Director
Montgomery County Bar Association
P.O. Box 72
Montgomery, AL 36101-0072

For further information, call Suzanne Duffey at 265-4793.
2011 Distinguishable Lawyers

by

Bobby Segall

2011 - wow!! What an up and down, Space Mountain kind of year! Things started well. Auburn won the BCS National Championship - permitting Alabama’s eyes to remain on the prize for a second consecutive season. All of us - even Yalies like (Federal) Judge Thompson - were proud. But then the upheaval began. Tears, and judicial officials, felt like raindrops (falling from our eyes). Our Chief Justice resigned. So did one of our (recently re-elected) family court judges. Even the Clerk of our Circuit Court called it quits mid-term - and that doesn’t count the judicial law clerks and other staff who were laid off. Really, it is the economy, stupid! Forget double dipping legislators - we had a (likely) double dip recession, and a (definite) double dipping market crash. Our debt ceiling made the proverbial glass ceiling look porous. And, just when we needed entertainment most, Donald Trump dropped his presidential bid. Worse still, the fabulous Oakley Melton missed his first Alabama-Auburn game in 64 years - and the Bear shed a heavenly tear. But, don’t despair. There was good news too! Quin and Joshua Segall begot a child; Osama bin Laden was buried at sea; Gaddafi’s reign of Terror was terminated; and Dick Cheney was still no longer Vice President. Perhaps (second) best of all, we Montgomery lawyers maintained our Bar’s (family) tradition of civility and professionalism tempered, as customary, by alcohol and often off-beat, if not perverted, senses of humor. And, in answer to our legislatively inspired prayers, many of our brethren and sistren evolved during 2011 from merely Distinguished Lawyers to the more coveted status of Distinguishable Lawyers. Two became this year’s Most Distinguishable.

Our first honoree is remarkably remarkable. Ellen Brooks is a great lawyer, a mean-arsed prosecutor, and a true servant of Montgomery’s and Alabama’s broader communities. She’s also a pioneer. Eighteen years ago, she became the first female District Attorney ever in Montgomery County. And, even though Montgomery County’s been around since shortly after the War (of 1812), several of Ellen’s victims, i.e., past and present inmates, feel her ascendency came way too soon.

Ellen’s accomplishments, including being named Montgomery’s 2010 Citizen of the Year, are legendary. Even so, she’ll not forget 2011. In March, her dream for real victims came true when the One Place Family Justice Center (FJC) opened its doors. She opened them. And, she means to keep them open. When Ellen asks for money, or for help raising it, not even Judge Price can say ‘No’. With Ellen’s encouragement (and gentle coercion), the good judge - noted for establishing a dress code for his courthouse - wore flip flops and blue jeans to work - in exchange for FJC contributions. So did Ellen. But, don’t get me wrong. Ellen’s no Girl Scout. Oh, wait. Yes, she is. And, she’s been honored too death by them (and by about everyone else you can name). Still, she’s no Mother Teresa. Just ask those inmates mentioned above. One thing, though, is certain. Dreams can come true, and for realizing hers, Ellen richly deserves recognition as the Montgomery Bar’s Co-Most Distinguishable Lawyer of 2011.

Our second honoree, Kendall Dunson, is also a pioneer. He is the absolutely first person on Planet Earth to marry, and father children with, movie star looking lawyer, Samarria Munnerlyn Dunson. And, not so incidentally, he also is the first African American - ever - to serve our Bar as its president. He did it this year. In fairness to our Bar, there are several other African Americans who would have been locks for the presidency - and significantly sooner - had they sought it. But Kendall did seek it. And, for that we should be grateful and proud - grateful to have the ugly sore of discrimination exorcized (or at least bandaged), and proud because of the job Kendall has done. Upon his investiture, Kendall promised that the Bar would raise more money for its charitable event than it ever had. And, guess what charity Kendall’s administration chose? In an obvious - and likely successful - effort to win a get out of jail free card, Kendall wisely selected Ellen Brooks’ One Place Family Justice Center. And, he and his team raised a record $37,500. Ellen smiled as Kendall presented her an oversized check in that amount. So did Kendall.

Kendall’s success has been no surprise. He was born to lead. He’s done it his whole life. Before making history this year, Kendall served as president of his High School Senior Class, his college fraternity, the Capital City Bar Association, and the Alabama Lawyers Association. He also has learned the fine political art of flip flopping - having transformed himself many years ago from a defense lawyer to a talented Beasley Allen plaintiffs’ lawyer. Kendall’s future is bright, both in the law and, should he choose to pursue it, likely in politics. For now, he is due to be honored as the Montgomery Bar’s Co-Most Distinguishable Lawyer of 2011.

Now, sit back with your favorite adult beverage, drink it all in one gulp so you can forget your vanishing 401K balance (and that you’ll be working until you’re 90), and focus on those in our Bar who have become Distinguishable in 2011.

Judges Charles Price, Delores Boyd, Vanzetta McPherson, Johnny Hardwick, Karen Knight and Troy Massey come immediately to mind, as do lawyers Tyrone Means, Lewis Gillis, and Billy Carter.
1. “If the Glove Don’t Fit” Award - - Judge Charles Price (Received the Johnnie L. Cochran, Jr. Soaring Eagles Award from the American Assn of Justice - given to lawyers who have overcome life challenges to achieve great success over their careers.)

2. “Most Astute Purchase” Award - - Kendall Dunson (At the Bar’s charity function, Kendall bid on, and bought, a round of golf with Judge Price.)

3. “Animal Kingdom” Award - - Felicia Long (Felicia is now part owner, i.e. shareholder, in the wild life preserve inhabited by the Tommys - Gallion and Mancuso - sometimes also known as Haskell Slaughter.)

4. “Detective Poirot” Award - - Misty Fairbanks (In defending Alabama’s immigration law, this excellent Assistant AG told the court that the Legislature’s Motivation in passing the statute was a mystery to her.)

5. “It Must Be Raindrops Falling From My Eyes” Award - - Chief Justice Sue Bell Cobb (A little sunshine was lost to all of us when our outstanding Chief Justice resigned.)

6. “Dreidel” Award - - Chief Justice Chuck Malone (After resigning as Tuscaloosa County Cir. Judge and serving as the Governor’s Chief of Staff for 6 months, Judge went back to judging, but this time as Chief of all judges.)

7. “Most Qualified Lawyer” Award - - George Beck (No lawyer ever sworn in as US Attty for the Middle District has been more qualified than George for the position.)

8. “Paranormal Activity” Award - - Chip Nix and Troy King (Chip, a long-time defense lawyer, and Troy, a conservative former AG, have formed a partnership to practice Plaintiffs’ law.)

9. “Sandra Bullock Ms. Congeniality” Award - - Luther Strange (He says his folks will be congenial - or at least collegial - to you if you are collegial to them, but if you’re not, capital punishment is on the table.)

10. “Mr. Chips” Award - - Larry Craven (Proving that there is no position a lawyer cannot fill well, Larry was appointed this year as interim State Superintendent of Education.)

11. “Mary and Joseph” Award - - Quin and Joshua Segall (Joshua reputedly fathered, and Quin gave birth to, a baby visited after his birth by three wise men from the East bearing gifts of gold, frankincense and myrrh.)

12. “Bomb – A – Care” Award - - Judge Joel Dubina (He wrote an opinion in some respects bombing ObamaCare as unconstitutional.)

13. “Bingo Coverall” Award - - Lewis Gillis and Mark Englehart (They won the Grand Prize of Acquittal for Senator Quinton Ross - now if they could only get paid.)

14. “I’m So Pretty” Award - - Judge Tommy Bryan (After receiving major endorsements, Judge Bryan appears to be sitting pretty for election to the Ala. Supreme Court.)

15. “Rick Perry Ponzi Scheme Lawyers” Award - - Micki Beth Stiller, Brenda Vance, Kay Dansby and other Social Security lawyers.

16. “Best All Around Lawyer” Award - - Joe Espy, Tabor Novak, Tommy Keene and Jere Beasley (No explanation necessary)

17. “Best Over All Lawyer” Award - - Mark Overall (No explanation necessary)

18. “Maserati” Award - - Terry Davis (His daughter this year married a Cadillac - NFL running back Williams - but Terry says Cadillac received the hand of a Maserati.)

1“Dreidel” is Yiddish for a spinning top.
20. “Cain and Abel” Award - - Will Sellers (Supporters of Herman Cain say “Yes, we Cain”, but Will, as Romney's Alabama counsel, says his guy is more able.)

21. “No we Cain’t” Award - - Jay Lewis, Anthony Bush, Jimmy Jacobs, Mark Sabel, Wayne Sabel, Peyton Faulk, Julian McPhillips and Kenny Shinbaum (These Gloria Allred disciples say it's ok to grope for words Rick Perry style, but all other groping should be off limits.)

22. “Cowboys and Aliens” Award - - Bryan Taylor (The cowboys - and cowgirls - in the Alabama Legislature are proud of the bill they passed dealing with undocumented immigrants.)

23. “Take this Job and Shove It” Award - - Bill Stephens (Has decided to retire from his long and storied representation of the Retirement Systems of Alabama.)

24. “It’s the Economy Stupid!” Award - - Leura Canary (Leura resigned from representing the debt ridden United States to become General Counsel to the more economically viable Retirement Systems of Alabama.)

25. “Best Actor” Award - - Louis Franklin (Louis has been Acting United States Attorney so many times he deserves an Academy Award.)

26. “The King’s Speech” Award - - Ron Wise, Louis Gillis and Joe Espy (Their closing arguments in the first gambling trial sounded like speeches for kings.)

27. “Rock Star” Award - - Susan James (Women on juries identify with Susan and become her semi-groupies.)

28. “Cloud 9” Award - - Larry Gardella (When Larry received the Distinguished Alumnus Award from Cornell University this year, his boss, Jimmy Fry, said Larry was floating on Cloud 9, a slight elevation over the Cloud Larry normally floats on.)

29. “The Good Son” Award - - Judge Calvin Williams (At his investiture, Judge Williams movingly thanked the person who inspired him most throughout his life - - his mother who sadly had passed away three years earlier.)

30. “Content of Her Character” Award - - Shay Farley (Because of her fervent desire to reverse injustices that affect our community’s most vulnerable citizens, this Appleseed lawyer received a King Spirit Honors Award this year.)

31. “Sweet 16” Award - - Daryl Bailey (Celebrated this year his 16th anniversary working with Ellen Brooks)

32. “(Still) My Fair Lady” Award - - Judge Tracey McCooey (Using her heart, as well as the law, she granted previously denied workers compensation benefits to City police officer, David Brown, who was badly injured on the job, and case settled on appeal.)

33. “Elbow” Award - - Gibson Vance (During his tenure as president of the American Association of Justice, Gibson rubbed elbows with such luminaries as John McCain, Nancy Pelosi, Lindsey Graham, Harry Reid and aides to the President.)

34. “King of the Jungle” Award - - Judge Joel Dubina, David Bronner and Ken Wallis (These Lions of the Bar received awards of merit from the Ala. State Bar this year for significant contributions over the course of their careers to the administration of justice and to the legal profession.)

35. “Sonny and Cher Biggest Fan” Award - - Ted Hosp (Received State Bar award this year for his Pro Bono work)

36. “Chopped Liver” Award - - Kelly Paté (As a lawyer, she's not chopped liver.)
37. “Shangri-Las’ Leader of the Pack” Award - - William Martin and Riley Roby (William became Managing Attorney at Capell this year, and Riley at Balch.)

38. “The Big Bang Theory” Award - - Anne Adams Hill, Schuyler Espy, Scarlette Tuley and Quin Segall (Given the quality of their spouses there are questions, but The Big Bang is the working theory on how they became pregnant and had, or are about to have, babies.)

39. “Ex Parte” Award - - Tommie Hardwick, Arthur Ray, Dorman Walker, Hendon Coody, and Steve Windom - who’s in Mtgy so much he seems like a Mtgy lawyer (These spouses of judges get a lot of one on one time with the judge.)

40. “All Points Bulletin” Award - - Bobby Bright and Judge Lynn Bright (Since Bobby’s return from Washington DC, the Brights have been lying low.)

41. “Paul Revere” Award - - Doyle Fuller, Morris Dees, Ted Hosp and Mark Moody (These “Pike Road Patriots” fought successfully to pass a property tax increase to fund a Pike Road School System.)

42. “Rick Perry Gun Control” Award - - William Gill, Chris Weller, Mark Montiel (Like Rick, their idea of gun control is to use both hands.)

43. “Separation of Church and Jail” Award - - Allison Neal (In-house lawyer for the ACLU of Alabama has demanded that Bay Minette Municipal judge stop giving those he convicts a choice of jail or church.)

44. “You Can (Sometimes) Go Home” Award - - John Neiman and Barbara Wells (John, a former law clerk on the US S.Ct., argued this year before his old Court as Alabama’s Solicitor General, and Barbara returned to Capell Howard after 7 years with Judge Mark Fuller.)

45. “Revival” Award - - Bryan Stevenson (Bryan’s client, a minister, received new life when his murder conviction was overturned by the Court of Criminal Appeals.)

46. “TGIF” Award - Gibson Vance (Gibson made all Mtgy lawyers proud with his super service as president of the American Association of Justice, but he says “Thank G-d I’ve Finished”.)

47. “Leap Year” Award - - Kevin Butler (This long time Deputy Director of the Federal Defender Program in the Middle District leaped this year to the Directorship of the Northern District program.)

48. “Extraordinary Measures” Award - - Shannon Holliday, John Neiman, Jim Davis, Prim Escalona, Randy Lyons, Marion Chartoff, Ben Albritton, Josh Payne, Jeremy McIntire, and Kevin Turner, (These lawyers love practicing law in Mtgy so much, they commute from Birmingham and Auburn - either that, or they don’t like living here.)

49. “Groundhog Day” Award - - Ron Wise, Jeff Duffey, Tommy Goggans, David Martin and other bingo lawyers (Have to do the whole thing over again!)  

50. “Bruce Springsteen Best Boss” Award - - Christine Freeman (At Kevin Butler’s farewell reception, he told the assembled throngs that Christine has been the best boss imaginable for 13 years.)

51. “First (and last) Boss” Award - - George Beck (At George’s investiture, Judge Myron Thompson said George was his first boss - at the Bill Baxley AG’s office - and was likely the Judge’s last boss, considering that the judge was only 33 at the time of his appointment.)

52. “Ray Perkins” Award - - Pat Harris (He has replaced a legend, McDowell Lee, as Secty of the Ala. Senate, but he’s doing better at it than Ray did when he replaced the Bear.)
53. “The Lincoln Lawyer” Award - - Mark Sabel (He seeks to safeguard principles, and serve his community in ways, sacred to the original Lincoln Lawyer.)

54. “The Anti-Lincoln Lawyer” Award - - The Booth Family - Joe, Jody and Britt

55. “Cutest Couple of (Married) Lawyers” Award - - Katie and Lister Hubbard, Kayla and Steven Frisby, Linda and Don Valeska, Scarlett and Jay Tuley, Jenny and Bill Garrett, Connie and Bubba Walker, and Alyce and Billy Addison

56. “Cutest Couple of (Father - Daughter) Lawyers” Award - - Barbi and Al Agricult

57. “Cutest Couple of (Father-Son) Lawyers” Award - - Winston and Allen Sheehan

58. “Cutest Couple of (Father in law - Daughter in law) Lawyers” Award - - Richard and Katya Gill

59. “Cutest Couple of (Soon to be Father in law-Daughter in law) Lawyers Award - - Alison Douillard and Corky Hawthorne (Alison is engaged to Autauga County Assist DA, Ray Hawthorne.)

60. “Cutest Couple of (Departing) Lawyers” Award - - Marion Chartoff and Kevin Butler


63. “Abraham, Isaac & Ham” Award - - Ham Wilson (Redistricting may hurt Ham’s chances for re-election to the County Commn, but because he says he represents everyone in his district, he objects to being called a “sacrificial lamb”.)

64. “Paris Hilton” Award - - Joana Ellis (Dresses well, sometimes pretends to be frivolous, and loves a good time, but at her core is a serious, outstanding professional.)

65. “Best Law Making Lawyers” Award - - Martha Roby, Bryan Taylor and Joe Hubbard (Montgomery lawyers who serve in Congress - Martha - and the State Legislature)

66. “Best Looking Espy Lawyer” Award - - Schuyler and Bill Espy (Schuyler is the best looking, but Bill claims to be.)

67. “Nancy Sinatra Worst Singer” Award - - Pam Slate (Pam raised money for breast cancer research by participating in a Susan G. Komen Foundation Walk and by singing “These Boobs Are Made For Walking”.)

68. “Best Letter” Award - - Jerry Basset (His letter, written as Director of the Legislative Reference Service, and explaining that a Church’s ministering to the needy without regard for immigration status could violate the law, was an important exhibit in the Immigration Act lawsuit.)

69. “Best Newspaper Column” Award - - Judge Vanzetta McPherson (And not limited only to columns written by lawyers)
70. “Total Recall” Award - Jim Rives, Chip Nix, Steve Drinkard, Kent Garrett, and Mike Jackson (Married to present or former Court Reporters who will likely recall, if not report, everything their spouses say.)

71. “Most Attractive Partners” Award - Anthony Bush and Peyton Faulk (They’ve formed their own firm, Bush & Faulk.)

72. “Jackie Gleason’s The Honeymooners” Award - Don Valeska (Don is prosecuting a man alleged to have killed his wife while scuba diving on their honeymoon in Australia.)

73. “Two for the Ages” Award - Greg Allen and Andy Birchfield (They were named Beasley Allen Lawyers of the Decade - I’m guessing Beasley was not eligible.)

74. “The Best of the Rest” Award - Rick Morrison, Roman Shaul, Russ Abney, Ben Baker, and John Tomlinson. (It was announced this year that they were the best in 2010 at Beasley Allen in their areas of expertise and responsibility.)

75. “Something Borrowed” Award - Joe Seawell Moore (After the longest courtship in the history of lawyer relationships, Joe Seawell finally got married this year.)

76. “Brittany Murphy's Little Black Book” Award - Tommy Goggans (In every trial, Tommy carries in his breast pocket his little black - or maybe blue - book of the Rules of Evidence.)

77. “ESPN's The Espys” Award - Joe Espy, Ben Espy and Bill Espy (For Best Family Performance in the Sports Soap Opera “Bingo!”)

78. “Turn About is Fair Play” Award - Judges Tracy McCoey, Truman Hobbs, Jr., Johnny Hardwick, Billy Shashy, and Gene Reese (If they feel our presiding judge has ever run over them in matters of court administration, they are now free to reciprocate by daily driving over Judge C. Price Street in Hunter Station.)

79. “Space Cadets” Award - Judge Calvin Williams and Daryl Bailey (It was revealed during Judge's investiture that he and Daryl Bailey visited Disney Land together and rode Space Mountain 15 times.)

80. “Deja Vu” Award - Richard Allen (After a remarkably successful and lengthy hiatus serving as Commissioner of Corrections, Richard has returned to his old job as Chief Deputy AG.)

81. “Hoosegow” Award - Kim Thomas (This former Chief Legal Counsel for the Dept of Corrections was named Commissioner of Corrections - Richard Allen proved that lawyers make the best commissioners.)

82. “Lady In Waiting” Award - Ann Adams Hill (Continuing the reign of Montgomery's Finest, i.e., lawyers, this now Chief lawyer for the DOC should become the Department's first female commissioner, once Kim becomes Chief Deputy AG.)

83. “Homage” Award - Judge Delores Boyd (Delores honored the past, and those who improved our present, by hosting a party for the visiting former National NAACP President, Hazel Dukes, who grew up in Montgomery.)

84. “Fallen Angel” Award - Julian McPhillips (In extolling Fred Shuttlesworth, a civil rights legend who had counseled with Julian during a time of great need, Julian said “Shuttlesworth is as much a saint as he was a civil rights hero. Surely, the Archangels must be celebrating his arrival in Heaven.”)

85. “Extreme Makeover” Award - Gunter Guy (Gunter gave up the practice of law - at least for a while - to become Commissioner of the Alabama Dept of Conservation.)
86. “Fred Gray” Award - - Kendall Dunson (Following in the footsteps of former State Bar president, Fred Gray, Kendall became the first African-American president of the Mtgy County Bar, and did an excellent job.)

87. “Michelle Obama” Award - - Samaria Dunson (She was our president’s First Lady this year.)

88. “Prophecy” Award - - Mike Winter (Based on his past devoted service and commitment, I predict that Mike will win the presidency of the Mtgy Co. Bar without opposition, and I foresee that he will do this in January.)

89. “Daniel Day Lewis Gangs of New York” Award - - Scott Green (Scott was the lead prosecutor in obtaining a felony murder conviction for the drive-by killing of a young gang member - unfortunately gangs are not limited to New York.)

90. “Money Ball” Award - - Al Scott (In addition to continuing his position as Gen’l Counsel, Al was named this year assistant to the president of Alfa - he’s in the money game now!)

91. “Fruit Fly” Award - - Paul Hamrick (When this long time Democrat was hired by the Ala. Senate Majority Leader to handle communications for the GOP caucus, his position had the life expectancy of a fruit fly, lasting less than 24 hours.)

92. “President Obama’s Most Fervent Supporter” Award - - George Beck (If President Obama is not re-elected, George’s term will be exceedingly short.)

93. “Tea Nazi” Award - - Jere Beasley (If there’s a Tea Nazi - like Seinfeld’s Soup Nazi - there’ll be no tea for Jere who ripped the Tea Party movement in “The Beasley Report”.)

94. “The 99 Percent Solution” Award - - David Bronner, Marc Reynolds, and Bill Kelley (The Occupy Wall Street crowd should turn Wall Street over to Bronner and his team.)

95. “Most Popular Legislator” Award - - Bryan Taylor (Bryan will win no popularity contest in the Legislature as he continues to try to reduce legislative compensation.)

96. “Family Ties” Award - - Judge Harold Albritton and Ben Albritton (Judge’s great - and Ben’s great, great - grandfather was inducted into the Ala. Lawyers Hall of Fame.)

97. “de Medici Patron of the Arts” Award - - Frank Wilson (Frank and his wife sponsored a showing and auction of works of art that honored the Ala. Shakespeare Festival’s 25th season in Mtgy.)

98. “Road to Equality” Award - - Judge Myron Thompson (At the urging of his then law clerks, Judge led an effort to transform the former Greyhound bus station - where Freedom Riders were brutally beaten - into a museum. It now houses an exhibition called “The Road to Equality”)

99. “Gerontophobia” Award - - Bobby Poundstone (As president of Auburn’s Alumni Assn, Bobby said with respect to Bobby Lowder’s failed re-appointment to the Auburn Bd of T’ees, “28 years is enough to serve”. Beware old people at Bradley Arant!)

100. “Happy Tears” Award - - Fred Gray, Solomon S.ey, Morris Dees and Judge Susan Walker (Spoke beautifully and movingly at dedication of Judge Frank M. Johnson, Jr.’s historical room at the courthouse named for him.)

101. “Whistling Dixie” Award - - Solomon Seay (In speaking at the Johnson dedication, Sol recalled having been invited by Judge Johnson to the 5th Cir. Judicial Conf. where he danced with Rod Nachman’s wife to the tune of “Dixie”.)
102. “Ken Burns” Award - - Richard Gill (Videoed an oral history with the legendary John Doar who was the principal speaker at the Johnson dedication, and who formerly was Chief of the Civil Rights Division of the Justice Dept. and Counsel to the House Impeachment Committee regarding President Nixon.)

103. “Son of a (Top) Gun” Award - - Lane Mann (On the 50th anniversary of the Freedom Rides, we celebrated Lane’s Dad, Floyd, who broke up a mob and saved lives on that day. He was also a WWII hero.)

104. “Bulls-eye” Award - - Joe Hubbard (Redistricting Legislators - unhappy with Joe’s defeat of an incumbent Republican - likely will target his Ala. House District in ways that will make it more difficult for him to win re-election.)

105. “Dead Civil War Generals” Award - - Luther Strange (Luther gave his best Stonewall Jackson impression when the Federal Government sought immigration related information from Alabama’s public schools.)

106. “The Tempest” Award - - Sonny Reagan, John Bolton and Charlanna Spencer (They had a small dust up in a bingo lawsuit, and the teapot has overflowed.)

107. “Home is Where the Heart Is” Award - - Cooper Shattuck (Governor’s Chief Legal Advisor left his heart in Tuscaloosa - along with his wife and kids - when he (sort of) moved to Montgomery to advise Governor Bentley.)

108. “Kiddie Corp” Award - - Christie Ward, Ruthie Alexander and Rebecca Boykins (These young, talented assistant legal advisors to the Governor were admitted to practice in 2008, 2009 and 2010 respectively.)

109. “Best Last Name Used for a First Name” Award - - Evans Brittain and Evans Bailey.

110. “Best First Name Used for a Last Name” Award - - Bill Patty, Mitch Henry, Robin Laurie, Shap and William Ashley.

111. “Inside Job” Award - - Judge Bob Bailey (When Circuit Judge Pat Warner resigned, Judge Price looked inside Mtgy County’s own judicial system to find the most qualified interim replacement - it was Referee Bailey.)

112. “No Good Deed Goes Unpunished” Award - - Tommy Gallion, Jeremy Walker, and Don Jones (Gallion got Don and Jeremy to defend his good friend Johnny Goff, who despite a good defense, was convicted and then sued all three – case dismissed.)

113. “Secretariat” Award - - Chris Waller (Chris served this year as Secretary of the Young Lawyers Section of the Alabama State Bar.)

114. “South of the Border” Award - - Steve NeSmith (Immigration lawyer, who identifies himself as a Republican, wrote an Alabama Voices column arguing that Ala.’s new immigration law will hurt our State’s economy.)

115. “A River Runs Through It” Award - - Dean Mooty (Dean loves his office on Clay Street in Cottage Hill because he has a gorgeous view of the Alabama River that runs through his neighborhood.)

116. “Donald Trump Entrepreneur” Award - - Micki Beth Stiller (In addition to Stiller Disability Law, Micki Beth owns and manages property in New Orleans and at the beach and owns Stiller Plaza in Ozark.)

117. “Perp” Award - - Chief Justice Chuck Malone (In rescinding Justice Cobb’s cut back on jury trials, Justice Malone suggested that our system of justice should be doing a perp walk: “Victims should not become victims of our system.”)

118. “Alan Greenspan” Award - - David Perry (The new Governor’s Chief of Staff, and former Finance Director, has been described as a financial genius - by his father - and possibly others.)

119. “Passion Play” Award - - John Kachelman, Jon Moody, Kevin Davidson, Tom Azar and Jay Taylor (Despite Tom’s and Jay’s good defense, after John K’s impassioned close, these 3 prosecutors convicted a father of murdering his two year old son.)

120. “Cats & Dogs” Award - - Jo Parr (As head of the Humane Society, Jo is working toward building a Dog Park for the City.)

121. “Mudville” Award - - Antoinette Jones (In-house lawyer for ADEM ran for City Council from District 8 for the third time - - and the Mighty Antoinette (unfortunately) has struck out.)

122. “Go in Peace, My Child” Award - - Lindy Beale (She’s retiring from the Retirement Systems to join the Peace Corps.)

123. “Commissioner Roger Goodell” Award - - Mike Fritz (This outstanding bankruptcy lawyer is to Frisbee competition in Montgomery what the Commissioner is to the NFL.)

124. “Terrell Owen Trashy Mouth” Award - - Allen Sheehan (This former college football player is the best Frisbee player in Mtgy and the best trash-talker in Alabama.)

125. “Kentucky Fried Molar” Award - - Judges Gene Reese and Tommy Bryan (Judge Reese dismissed, and Judge Bryan affirmed the dismissal of, a case alleging that plaintiffs had found a human tooth embedded in the crust of their Ky Fried Chicken.)

126. “There will be Blood” Award - - Florence Cauthen and Tiffany McCord (Two well-regarded contenders will duke it out for Clerk of the Circuit Court of Mtgy County.)

127. “Marlon Brando I Could Have Been a Contender” Award - - Judge Adrian Johnson (In accepting a judicial appointment, Adrian inexplicably gave up the opportunity to run for election as president of the Mtgy Co. Bar.)

128. “Lebron James I’m Taking My Talent to South Beach” Award - - Mike Beers (Left the firm he co-founded to take his talent to the newly formed Mtgy office of Butler Snow, a big Miss. law firm.)

129. “Lebron James I’m Taking My Talent to Birmingham” Award - - Charlie Paterson (Has sadly moved to B’ham where he works in the satellite office of Montgomery’s Balch & Bingham law firm.)

130. “The New 37” Award - Chris Weller and other lawyers enjoying their last year under the old 50.

131. “Like Father, Like Son” Award - - Bob Maddox (He’s president of the Hugh Maddox Inn of Court co-founded by, and many years subsequently named after, his father.)

132. “George Washington” Award - - Judge Truman Hobbs, Sr., Judge Delores Boyd, David Byrne, Justice Hugh Maddox, and Judge Joel Dubina (Along with Maury Smith, John Matthews, and Joe Phelps, they were the founding Mother and Fathers of our Chapter of the Inn of Court.)

133. “Mergers & Acquisitions” Award - - Dennis Nabors and David Belser (They merged this year with Baker Donelson.)

134. “One is a Lonely Number” Award - - Judge Bill Thompson (The Chief Admin. Law Judge of the Ala. Rev. Dept. since 1983 is also the only ALJ in the Dept.)
135. “Ben Affleck’s The Town” Award - - Kim Fehl, Walter Byars, Stacy Reed, Jason Paulk, Mickey McInnish, and Ken Nixon (These excellent City attorneys under Kim’s leadership, are staying busy fending off Julian’s, and others’, many lawsuits.)

136. “Out of Town” Award - - Wallace Mills (After many years as an assistant City Attorney, Wallace has gone into private practice.)

137. “Job Busters” Award - - James Anderson and Susan Kennedy (Filed suit challenging recently enacted tax incentives for industry - because they will divert money intended for the Education Trust Fund)

138. “Friendly Persuasion” Award - - Lee Copeland, Jim Rives, Judge Randy Thomas, Judge Bill Gordon, Randy James, Robert Ward, Bill Brittain, Jimmy Garrett, and Bill Coleman (They are very persuasive mediators.)

139. “Still Crazy (Good) After All These Years” Award - - Morris Dees, Joe Levin, Richard Cohen and Mary Bauer (In his eponymous Beasley report, Jere said: “the SPLC is the single most effective organization in this country when it comes to fighting hate groups in the courtroom and teaching tolerance and acceptance in the classroom.”)

140. “Dan Abrams Legal Commentator” Award - - Al Agricola (Analyzed Bingo trial verdicts for WSFA News)

141. “Vampire” Award - - Greg Pool, Craig Allred, Evans Brittain, Evans Bailey, Austin Huffaker, Frank Stakely, Ben and Bill Espy, Julie Beasley, Daniel Slaten, and the famous Hills (Blood can be the best basis for building a law firm.)

142. “Failure to Launch” Award - - Sam Brooks (Despite Sam’s excellent argument, the claim that Ala.’s immigration statute is unconstitutional mostly failed to get off the ground with Judge Blackburn.)

143. “Best Costume” Award - - Taylor Fendley (Taylor played the Cookie Monster on Halloween to rave reviews throughout the trick or treating community.)

144. “Kim Kardashian” Award - - John Henig, Floyd Minor, Judy Barganier, Kathy Brown, Larry Sasser, Jim Hamlett, Dixie Torbert, John Olszewski, Roianne Conner, Valerie Smedley, Terry Luck, Josh James, Beverly Howard, Jim Cooper, Danny Fazekas, Jan Grant, Jim Hampton, Juliana Taylor, Kathryn Dickey, Pate Debardeleben, Donna Bland, Scott Johnson, Bob Beno, and Nickie Rothschild (These domestic lawyers are in competition for Kim’s business.)

145. “The Company Men (And Women)” Award - - Rick Neal, Chris Smith, Rebecca Bryan, Jerry Wood, Al Scott, Carl Bartlett, Debbie Coe, Cathy Coggin, Angela Crosby, Vaughan Branch, Alice Skinner and other Mtgy lawyers who are in-house counsel for a corporation or other entity.

146. “Sponge Bob” Award - - Jay Hinton (Won jury verdict for a doctor who allegedly left a sponge inside his patient following surgery.)

147. “Light My Fire” Award - - Angela Baker (Angela, who has joined Mike Beers at Butler Snow, is also Vice-President of the Ala. Assn. of Arson Investigators.)

148. “Robin Hood” Award - - David Martin and Chip Vercelli (They do all their hunting with bows and arrows - gives Bambi a fighting chance.)

149. “The Good Wife” Award - - Shannon Holliday (She’s good at everything else, so why wouldn’t she be good at wifeness?)

150. “Legally Blond” Award - - Cole Portis, Archie Grubb, Lee Copeland, Brett Harrison, Frank Hawthorne, and Jeff Smith (And other lawyers who qualify legally as blond.)
151. “Speak For Yourself John Alden” Award - - Mike Martin (After years of running high level political campaigns for others, Mike has decided to run for Probate Judge and speak for himself.)

152. “John D. Rockefeller” Award - - Rhon Jones (Like Mr. Rockefeller, Rhon's life is consumed by oil, but the oil that consumes Rhon's dreams is BP.)

153. “Country Strong” Award - - Doyle Fuller, Susan Copeland, and Don Jones (The awards of attorney fees they received in big cases this year were Country Strong.)

154. “Driving Mr. Beasley” Award - - Chad Cook (Chad, who's a Beasley Allen lawyer, is on the Steering Committee for a big drug case.)

155. “Debt Ceiling” Award - - William Haynes, Jim Rives, Bill McGowin, Rebecca and Jud Bryan, Susan Kennedy, Paul James, Will Sellers, Frank Stakely, and Clay Torbert (Their kids, who attend the Montgomery Academy, are seeking an increase in their debt ceiling, but these tea party parents are insisting that the kids cut spending.)

156. “Last Man Standing” Award - - Inge Hill (Inge was deservedly named Montgomery’s Real Estate Lawyer of the Year by the ‘Best Lawyers’ publication - but in this year's economy, Inge may have been the only Mtgy real estate lawyer.)

157. “The (Royal) Count of Monte Cristo” Award - - Royal Dumas (“The Count of Monte Cristo”, written by Royal’s long-past ancestor, Alexandre Dumas, foretold that one day the Dumas lineage would yield true royalty, and they named the child “Royal”.)

158. “You’ve Got to Have Heart?” Award - - Matt Hart (The Atty General apparently felt he needed Hart, as Matt returned to the AG’s office after a long stint with the U.S Atty for the Northern District.)

159. “Dolphin Tale” Award - - Clayton Tartt (His new wife, LuLu, trains dolphins.)

160. “The Time Of Her Life” Award - - Joyce Bigbee (Joyce, who has spent 33 years - way more than half of her life - working amazingly well for, and directing, the Legislative Fiscal Office, sadly has decided to retire.)

161. “Struck By Lightning” Award - - Bryan Stevenson (In a new lawsuit, Bryan says potential black jurors in criminal cases are being struck either by lightning or by the District Attorney’s office in both Houston and Henry Counties.)

162. “Ain’t No Mountain High Enough” Award - - Judges Gene Reese, Truman Hobbs, Jr. and Billy Shashy (As members of the judges’ committee to draw up a new court calendar, they say not even a mountain will stop them from restoring jury trials to their pre-economic crisis frequency - or they say something like that.)

163. “Captain & Tennille’s Love Will Keep Us Together” Award - - Jack Wallace, Jr. (Jack became engaged this year to a Lt. Colonel stationed at Lackland Air Force Base and is counting on love to keep their long distance relationship strong.)

164. “Shakespeare In Love” Award - Allison Alford Ingram, Jamie Johnston, Judge Truman Hobbs, Sr., Judge Vanzetta McPherson, Inge Hill, Sam Kaufman, Judge Frank McFadden, and Mahaley McInnes (Attended Alabama Shakespeare Festival’s reception for major donors.)

165. “Dr. Jekyll and Mr. Hyde” Award - - George Beck (The “Best Lawyers” publication has recognized our District’s number one Prosecutor as the Criminal Defense Lawyer of the Year for 2012 - you decide which is Dr. Jekyll and which is Mr. Hyde.)

166. “Person of Interest” Award - Tommy Gallion (He may at times do nutty things, but he’s never boring.)
167. “Citizen Kane” Award - - Dorman Walker (His representation of the Legislative Redistricting Committee, which is tasked with preserving the right of all citizens to an equally weighted vote, is one of the most critical roles a Citizen Lawyer can perform.)

168. “Tide” Award - - Judy Barganier and Judge John Davis (Judy argued in an Alabama Voices column that people’s dirty laundry should be aired in an open family court to avoid abuses, but former Domestic Judge Davis responded that for the sake of the children such detergent should be applied only in private.)

169. “Sands of Time” Award - - Jim Scott, Sterling Culpepper, Jim Pons and Charles Reeder (Lawyers who celebrated their 50th anniversary as members of the Bar this year.)

170. “Prime Time Players” Award - - Greg Allen, George Beck, Dave Boyd, Joe Espy, Richard Gill, Inge Hill, Hank Hutchinson, Ted Jackson, Rhon Jones, Tommy Keene, Robert Ward, Mark Wilkerson, Courtney Williams, Frank Wilson, and Ron Wise (According to the “Best Lawyers”, they are each Montgomery Lawyer of the Year for 2012 in a designated category.)

171. “Mannequin” Award - - Britt Booth (In one of his law firm's commercials, Britt stands by looking pretty as Kay Dansby does all the talking.)

172. “Springsteen's Glory Days” Award - - Tommy Mancuso (Celebrated the 50th Anniversary of his High School graduation - - he was president of his senior class.)

173. “Lexi Thompson” Award - - Rob Davis, Jacob Fuller, Kyle Weidman and Jeremy Walker (Emulating the 16 year old Navistar LPGA champion, these young lawyer/golfers captured the prestigious Young Lawyers Section Charity Golf Tournament.)

174. “Smoke Gets In Your Eyes” Award - - Dominique Nong and Mary Bauer (And, according to Mary, Southern Poverty Law Center's legal director, so does pepper spray - the Center is suing the B'ham City Schools and police to force them to stop using the spray on unruly students.)

175. “This Little Light of Mine” Award - - Mark Sabel (In a moving article, Mark compared the fight for freedom underlying Mtgy’s bus boycott with that underlying Hanukah, the Jewish festival of lights, and quoted from a popular song: “We’ve Got the Light of Freedom. We’re gonna let it shine.”)

176. “Legend of the Halls” Award - - Clay Benson and Paul Esco (They own, and practice in, a building where the legendary Red Bell used to prowl the halls.)

177. “Tooth Fairy” Award - - Peyton Faulk (When Peyton received a jury verdict of $1,000 against the City in a civil rights case, she was upset over the amount, but was comforted by her knowledge that the Tooth Fairy would leave attorney fees from the defendant under her pillow.)

178. “Bill Gates Philanthropy” Award - - Greg Allen (The new Allen Law Center has been named in honor of this stalwart supporter of Jones Law School - most others of us don't have even a name plate on our office doors.)

179. “Life, Above All” Award - - Tommy Goggans (Tommy, who often handles capital cases for no, or entirely inadequate, compensation, successfully represented a capital murder defendant this year by settling for life with opportunity for parole.)

180. “Hey Venus” Award - - Navan Ward (As Chair this year of the American Assn. of Justice minority caucus, this rising star presented Judge Price with the Soaring Eagles Award - - He's also president of Montgomery's ALAJ Chapter and of the Young Lawyers Section of the State Bar.)
181. “Mad Man” Award - John Pickens (His letter to the Editor reflected his upset with Alabama’s property tax system and its legislators who need to be changed in order to make Alabama “a place of fairness and respect for all, and not a place of discrimination, injustice and hate.”)

182. “Falling Awake” Award - Vernon Barnett (When Vernon woke up following the change in governors, he had gone from Assistant Commissioner of Corrections to Executive Counsel at ADEM.)

183. “The Girlfriend Experience” Award - Carrie Gray and Richard White (Carrie, as lead prosecutor, obtained the conviction of a man who kidnapped his former girlfriend, but Richard won an acquittal for his client on rape and sodomy charges.)

184. “Six Degrees of Separation” Award - Julian McPhillips (Helen Keller’s older sister once owned Julian’s home, and he hosted a reception this year in that home for the Helen Keller Foundation.)

185. “Robert De Niro’s The Fan” Award - Lee Copeland (At our Bar’s charity event, Lee bought a tour of Jock Smith’s amazing sport’s collection.)

186. “The A-Team” Award - Brett Garrett, Kim DeShazo and other young lawyers who became partners, and thus part of the A-Team, at their firms this year.

187. “Good Will Hunting” Award - Justice Kelli Wise (She spoke this year at a Benefit for Goodwill Industries’ Volunteer Services.)

188. “Where’s the Beef?” Award - Dee Miles (Sued Taco bell for its diluted beef, but when Taco denied the charge, Dee said “we’ve got no beef”, and voluntarily dismissed.)

189. “A League of Their Own” Award - Judge Kelli Wise, Judge Anita Kelly, Betty Bobbitt Byrne (past president), Laura Crum (past president), Pam Swan, Felicia Long, Helen Wells, Leah Stephens (past president), Beth Acker, Judy Bargainer, Ellen Brooks, Rebecca Bryan, Laura Calloway, Leura Canary, Ashley Hamlett, Carrie McCollum, Margaret McNeill, Anne Pearson, Palmer Smith, Dixie Torbert, Kristen Bentley, Sally Corley, Megan McCarthy, Neah Mitchell, Kelly Pate, Leslie Pitman, Jessica Pitts, April Pugh, Katie Steinwinder, and April Wise (And other lawyer-members of Montgomery’s Junior League - which, among other good works this year, furnished and supplied a large children’s play room for the One Place Family Justice Center.)

190. “Designing Women (and Men)” Award - Charlanna Spencer, J.B. Perrine and Felicia Long (They helped design the YMCA’s Youth Judicial Program this year by writing the mock trial case, training the youth judges and advising teams from throughout the State.)

191. “The Supremacy Clause” Award - Terrie Biggs (Under the Supremacy Clause of the US Constitution, Terri, as president of the Federal Bar Association for the Middle District, trumps local bar presidents within the District.)

192. “The Escapist” Award - Kenny Mendelsohn and Bob Northcutt (Kenny is pursuing, and Bob is defending, a claim alleging that the Dept. of Corrections and its officials negligently allowed the escape of an inmate who killed the husband of Kenny’s client.)

193. “Eddie Patterson Leadership Award” - Sherrie Phillips (Sherrie was the only lawyer presently practicing in Mtgy to participate in the State Bar’s Leadership Forum - a program created and nurtured by Eddie Patterson. Matt Beam participated and then moved to Birmingham.)

194. “Toy Story” Award - Bob Hill (As Bob awaits the imminent birth of his first grandchild, toys will become the story of Bob’s life as he tries to win favor with the anointed one.)
196. “The Frontier Boys” Award - - Jeff Baker and Chad Emerson (Jones Professor Baker is in the forefront of the City's effort to confront Domestic Violence, and Jones Professor Emerson, now serving at Mtgy's Dir. of Development, is in the forefront of developing downtown Montgomery.)

197. “Biggest Loser” Award - - Beau Womack (Has lost over 50 pounds in two years and is looking like a trim, fit winner.)

198. “The Curious Case of Benjamin Button” Award - - Tray Richardson (Despite his gray hair, Tray is very much the young man who, as he ages, will look younger and younger.)

199. “Alice in Wonderland” Award - - Kim Waldrop (Despite having survived the torture of law school and having endured the Alabama Bar Exam, Kim simply refuses to cuss - we'll check back after her first Judge Hardwick grilling.)

200. “The Butcher's Son” Award - - Ben Espy (Like his Daddy, he'll cut you up on cross examination.)

201. “Alliteration” Award - - Jacob James Jeter, Betty Bobbitt Byrne, Kacey Keeton, and Hunter Harrell (Jake is not only a literary artist, but also has appeared in TV commercials. Betty Bobbitt, Kacey and Hunter are primarily alliteration artists.)

202. “Attitude” Award - - Katie Langer (This assistant DA prosecutes cases with attitude - has the tenacity of a pit bull.)

203. “Redemption Road” Award - - Mike Winter, Mark Sabel, Kenny Shinbaum, Richard Shinbaum, Andrew Skier, Joshua Segall, Red Bell, Andy Schiff (And other Jewish lawyers who prayed for forgiveness on Yom Kippur - some had to pray longer than others.)

204. “Accountability” Award - - Flynn Mozingo (And other lawyers who, because they are married to CPA's, must account fully for their behavior.)

205. “Dueling Banjos” Award - - Tommy Kirk and Patrick Mahaney (The two best DUI lawyers in Montgomery)

206. “The Best and the Brightest” Award - - Prim Escalona (The AG is bringing young, very smart lawyers like Prim into his office - - sounds like Age Discrimination!)

207. “Happy Feet” Award - - Buster Russell, Rick Hill, Steven Frisby, Winston Edwards and other good lawyers who changed firms or other places of employment this year.

208. “Charlie Sheen Most Stable Lawyer” Award - - Pat Shegon, William Haynes and Winston Sheehan (Unlike Charlie, they're always even keel.)

209. “Ghost Story” Award - - Buddy Hale and Tiffany McCord (They attended a Halloween costume party at the Fitzgerald Museum where the ghost of F. Scott resides in Julian’s psyche.)

210. “The Girl Who Played With Fire” Award - - Judy Keegan (As the Director of the Ala. Center for Dispute Resolution, Judy organizes methods of resolution designed to extinguish the fire and heat in lawsuits so that settlements might result.)

211. “Land of the Free” Award - Jack Wallace, Jr., Sonny Reagan, George Beck, Judge Terry Moorer, Terry Travis, Judge Charles Price, Bob Hill, Bryan Morgan, Larry Craven, Richard Allen, Jay Ott, Valerie Smedley, Mark Davis, Dennis Wright, Rick Heinzman, Don Valeska, Steve Feaga, Don Bethel, Kyle Johnson, Jay Taylor, Todd Brown, Mike Cohan, James Houts, Jason Britt, Mike Fritz, Jimmy Fry, Michael Meyer, Mark Smith, Bryan Taylor, Mark Cavanaugh, Joe Guilot, Lewis Gillis, Justin Gifford, Richard Mink, Sandra Marsh, Joel Marsh, John Breckenridge, Pat Roberts, (And other Montgomery lawyers with military service who were especially proud of our country's apprehension of Osama Bin Laden and of its assistance in deposing Gaddafi.)
212. “Man of War” Award - - Jere Beasley (Received “War Horse” Award from the Southern Trial Lawyers Association recognizing the nation’s most outstanding trial lawyers)

213. “Father of the Groom” Award - - John Ward Weiss (His son, John Jr., got married this year.)

214. “Gone With the Wind” Award - - Pat Sefton (Completed an excellent year of service as president of the Alabama Defense Lawyers Association)

215. “Bonus Baby” Award - - Daniel Autrey (Daniel was highly recruited, and hired, by the State Dept. of Agriculture despite the Department’s significant reductions in staff necessitated by the economy.)

216. “Good Work if You Can Get It” Award - - Luther Strange (As coordinating counsel for all states filing claims against BP, our AG was forced to go to London for depositions.)

217. “Desperately Seeking Susan” Award - Susan James (The criminally accused, especially, the desperate ones, frequently call Susan.)

218. “Early Bird” Award - - Judge Sharon Yates (Although she’s served wonderfully well for many years on appellate and trial benches, it’s still too early for Judge Yates to retire.)

219. “Best Stepping Stone” Award - - Tamika Miller (This former law clerk to Judge Price joined Victoria Relf as a full partner.)

220. “Worm” Award - - Aimee Smith (This Early Bird announced in August she’s running for the District Court judgeship upon Judge Yates’ retirement.)

221. “The Twilight Saga” Award - - Troy Massey (This former City Judge has decided to spend the twilight of his legal career as District Court Judge and is also running for Judge Yates’ seat.)

222. “You Can’t Take It With You” Award - - Paul Clark (Having completed his notable tenure on the MCBA Bd - serving this year as “Past” President - Paul had to be reminded not to take the gavel with him.)

223. “What Do They Want - Blood?” Award - - Guy Holton (Organized the golf scramble for the Bench and Bar Golf Tournament to benefit the Red Cross)

224. “Rush Limbaugh” Award - - Mark Montiel (Mark has been restored to the airways.)

225. “Don’t Mess With Bill (or Milton)” Award - - Charlanna Spencer (In her Alabama Voices column, Charlanna raked Artur Davis over the coals for his take on electronic bingo and the Bingo trials.)

226. “Lawrence Welk” Award - - Raymond Johnson (Recognized this year for his outstanding skills by the American Guild of Organists, Raymond is so good he could have played in the Lawrence Welk orchestra.)

227. “Living Legend” Award - - Judge Harold Albritton (Judge Albritton is the first recipient of the Ala. State Bar's leadership award that is named for him - as president of the Bar, he started the Volunteer Lawyers Program.)

228. “Double Duty” Award - - John Garner (He’s both Chief Administrative Law Judge for, and Executive Director of, the Public Service Commission.)
229. “Mane-iac” Award - Judge Gene Reese, Judge Billy Shashy, Julie Beasley, Phil Butler, Bill Coleman, Jeff Blitz, John Wilkerson, John Bowman, Buster Russell, Angie Carroll, Jim Edwards, Judge Frank McFadden, Mays Jemison, Mahaley McInnes, Graham Esdale, Linda and Don Valeska, George Thomas and Alice Skinner (These MANE supporters attended a Barn Party because they’re crazy for therapeutic horseback riding for disabled children and adults.)

230. “Nightmare on Elm Street” Award - Carl Salle’ (Carl’s service to Legal Services Alabama - in many capacities, including interim Exec. Director - has been so remarkable that his retirement this year is frightening.)

231. “Musical Chairs” Award - Debra Hansen and Jaffe Pickett (After Carl retired this year as Director of Resource Development at Legal Services Alabama, Debra took his place and Jaffe took her place.)

232. “Briar Patch” Award - Susan James and Aimee Smith (They argued for transfer out of the Briar Patch, i.e. Mtgy, because of prejudice from publicity received for other crimes their clients allegedly committed at Oak Park while on bond.)

233. “Best Analogy” Award - Wesley Shaw and Scott Green (In prosecuting a drive-by shooting case in which the defendants had no gun, but were riding with others who did, Wesley said the perpetrators were “loaded into the car like bullets in the magazine of a gun”, all sharing the same deadly purpose.)

234. “Most Controversial Analogy” Award - Richard Cohen (Comparing the struggle of undocumented immigrants to the history of black people in Alabama, Richard said “Today we have a different stand in the schoolhouse door - we have efforts to intimidate children who have a constitutional right to go to school.”)

235. “Heaven Can Wait” Award - Clay Benson, Larry Sasser, John Kachelman and Michele Smith (John and Michele prosecuted, and Clay and Larry defended, a man convicted of murdering a Pastor - heaven does not appear to be in the defendant’s foreseeable future.)

236. “How the Mighty Have Fallen” Award - Judge Jimmy Pool, Congressman Artur Davis, and Michael Godwin (Not only did Artur lose last year’s Governor’s election, but this year Judge Pool found him liable for unpaid campaign debts. Michael is appealing for the former candidate.)

237. “Magic” Award - Larry Menefee, Bill Coleman, David Allred, John Holloway, Judge Vanzetta McPherson, Spud Seale, Tommy Lawson, Wayne Sabel, Greg Allen, Ben Baker, Betty Bobbitt and David Byrne, Ashley and Jim Hamlett, Tiffany McCord, Micki Beth Stiller, Pam Slate, Sabrina Comer, Clint Daughtrey and Pat Ivie (Twenty years after Magic Johnson told the world he was HIV positive, this year, as in the last 5, Mtgy lawyers fully supported MAO’s Aids benefit event “Dining with Friends”.)

238. “Most Versatile” Award - John Neiman (Our Solicitor General once defended capital cases as a volunteer for the Federal Defenders Program, but now fights to uphold death penalty sentences.)

239. “First Amendment Free Zone” Award - Ramadanah Jones (At a School Board meeting, Ramadanah raised the Superintendent’s objection to board members talking directly to staff.)

240. “Transformers” Award - Fred Gray and Morris Dees (These two, who helped transform our country, shared their civil rights experiences with the Joint Canadian-American Legislative Clerk’s Conference in Montgomery.)

241. “Rare Imports” Award - Ted Hosp and Chad Stewart (Happily, Ted has returned to the Montgomery office of Maynard, Cooper, and Chad, after a pretty long absence lawyering in Enterprise, has returned to Montgomery with Beasley Allen.)

242. “Rare Exports” Award - Wally Walker, Kevin Butler, Matt Beam, Charlie Paterson, and others who sadly have left Montgomery to practice in other cities and states.
243. “Butch Cassidy and The Sundance Kid” Award - - Steve Feaga and Louis Franklin (Double teaming the criminally accused as the Chief and the Deputy Chief of the Criminal Division of the US Atty.’s Office.)

244. “Sieg Heil” Award - - Boyd Campbell (In his new blog, Boyd discussed what he called “the Nazi-era ‘show me your papers’ provision” of Alabama’s new Immigration law.)

245. “Has Been” Award - - Judge Truman Hobbs, Sr., Rod Nachman, Oakley Melton, Walter Byars, Judge Harold Albritton, Spud Seale, Fred Gray, Sr., Doug McElvy, and Tom Methvin (Presently living Mtgy lawyers and judges who have been president of the State Bar)

246. “The Great Gatsby” Award - Julian McPhillips (His daughter, Grace, is working on producing a movie related to Zelda Sayre Fitzgerald.)

247. “What Women (and Men) Lawyers Want” Award - - Jeff Duffey and George Parker (Jeff defeated George in a run-off for Bar Commissioner, but the Bar would have been a winner with either.)

248. “Lindsay Lohan Repeat Offender” Award - - Bill Blanchard, Tommy Goggans, Richard White, Bill Whatley, Richard Keith, David Vickers, Jay Lewis, Ben Bruner, Mike Kidd (And other good criminal defense lawyers who love a good repeat offender like Lindsay.)

249. “If It Ain’t Broke” Award - - Barbara Wells (Wrote newspaper column urging the school board not to fix the magnet school program because it ain’t broke)

250. “Alice in Wonderland” Award - - Mike Winter (Representing folks arrested for demonstrating over Alabama’s Immigration law, Mike maintains his clients violated the law, while the prosecutors say they didn’t: “Up is down, down is up, in is out . . .”)

251. “Lassie” Award - - Bubba Walker and Connie Walker (Bubba, busy having fun at the Lake, became the dog when Connie, working alone on home repairs, pirouetted off a ladder and had to endure reconstructive knee surgery – all Bubba’s fault.)

252. “Dexter” Award - - Mary Bauer (She’s an (attempted) serial killer of Alabama’s immigration law, having filed a series of pending challenges to its validity.)

253. “There Goes My Baby” Award - - Frank Stakely, Bill McGowin and Leura Canary (Their “babies” ran on the Montgomery Academy’s State Champion Girls’ Cross Country team.)

254. “Aquarius” Award - - Will Parker (Assistant AG is trying to “Let the Sunshine In” by defending Alabama’s new ban on pac to pac transfers.)

255. “Gee We’re Going to Miss You” Award - - Jimmy Cameron, Woodley Campbell, Judge Ira DeMent, Craig Donley, Thomas Gray, Knox McLaney, Sebrena Moten-Fortson, Mark Mullins, Tom Samford, Carol Jean Smith, Janice Spears Turk, and Tom Wright

#The title of this award comes from a song memorializing Buddy Holly, Richie Valens and the Big Bopper written shortly after their deaths in a plane crash in 1959. The song is about their transformation into three new stars in the sky. The principal lyric in the song is “Gee we’re going to miss you. Everybody sends their love.”
Wishing you a warm and fuzzy holiday season and happy 2012!

Suzanne Duffey

Dot Robinson