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**ROBERT AUSTIN HUFFAKER**

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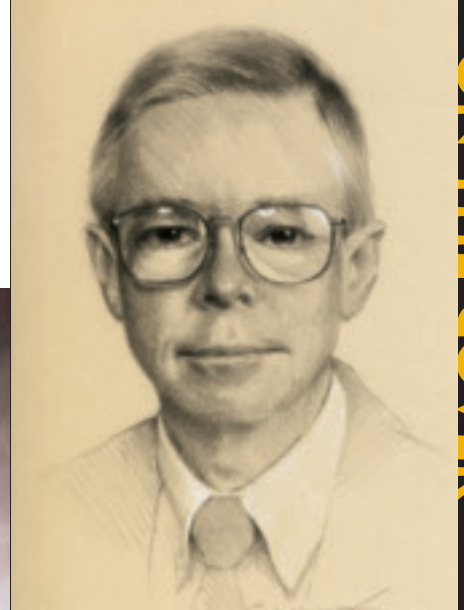
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*Pictured on the cover is the late Robert A. Huffaker, editor of The Alabama Lawyer for 27 years. This issue is dedicated to his memory.  
—Portrait by Barrett Bailey, Montgomery*

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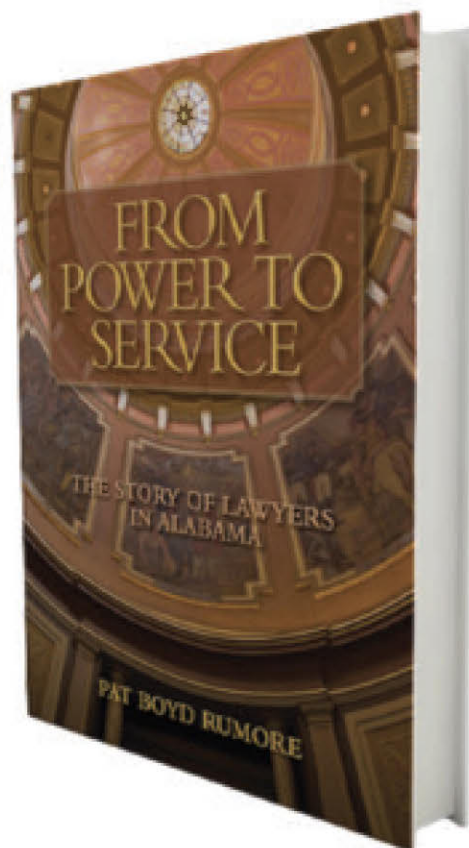
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A Huffaker family get-together: Left to right, front row, are Mary Virginia, Robert, Kitty and Matt Huffaker. Back row, left to right, are Caroline, Ann, Austin, Cecily, Lee, and Robert Huffaker.

# The Legacy We Leave Behind

Our bar is blessed by those who epitomize servant leadership. I think about my role models—the servant leaders who have impacted my life—like **Pat Graves, Dean Charles Gamble, Gov. Albert Brewer, Sam Crosby, Billy Bedsole, Maibeth Porter, Judge Harold Albritton**, and, of course, my **Daddy**, who taught me about service to our profession. The life and career of **Robert Huffaker** certainly fit that category. We can point to others in every county and every circuit of our bar who provide servant leadership every day. Our bar and profession are enriched by their gifts of time and talent.

What is servant leadership? It is a lawyer who, literally, “walks the walk and talks the talk.” Or, as Tony Dungy describes it in his most recent book,

*How you use the opportunities you are given to affect the world around you will determine the legacy you leave behind.*

Tony Dungy, *The Mentor Leader*

## PRESIDENT'S PAGE

Continued from page 427

*The Mentor Leader*, a servant leader uses the opportunities given them to affect the world around them in a way that makes a difference, leaving a legacy of service that others can follow and emulate. Some call it empowering others by example. When younger lawyers see the successful, older and established attorneys providing service to those in need, their examples speak volumes without saying a word.

We have recently celebrated National Pro Bono Week, in honor of those in our profession who provide, without compensation, their counsel and advice to those unable to pay for those services. We also celebrate those who have chosen a career dedicated to public-interest law. Is there a better example of servant leadership? Is there a better illustration of providing a legacy for others to follow?

Look around your circuit this month and thank those who are your servant leaders. Take the time to identify them in your mind, and be intentional about honoring their work, their legacy. Then think about the opportunities you have to leave a legacy of service. Have you taken advantage of these opportunities? What kind of difference would it make if we all—each and every one of us—thanked one of our own for their work in our community and also did one project, one VLP case, one day or so of service? With 16,000-plus members, that's a lot of service. What kind of impact would that make? Interesting to think about, isn't it? ▲▼▲

# Changed for good...

My first recollection of Robert Huffaker was as a young adult. I recall my dad, Rick Manley, commenting about him, and describing him as a “lawyer’s lawyer, a man of integrity, dedication, possessing a gentle but strong spirit.” I don’t remember the exact situation but my recollection is that Dad had sought Robert’s assistance on some matter, and had been rewarded with his calm, guiding wisdom that we all grew to respect and value.



*Robert Huffaker –  
a “lawyer’s lawyer”*

From that point forward, I always brightened whenever I had a chance to be in contact with Robert. Because of geography, I didn’t have the chance to practice around him. Our paths crossed mostly through state bar work. I always heard the same comments about him that my dad had shared. I looked forward to opportunities to serve on a committee or project with him. Though rare, I had a few of those opportunities and got to learn firsthand about his leadership through his actions, sometimes more than through his words. Abraham Lincoln once stated, “Whatever you are, be a good one.” Without a doubt, Robert Huffaker was a good lawyer, a good man, a good leader and good mentor. He cared deeply for those he came in contact with, and never failed to take the time to help those of us trying to learn to become leaders, hoping to follow in the footsteps of men and women like him.

When I became president-elect of the bar, one of the kindest and most supportive phone calls I received was from Robert Huffaker. I was thrilled to hear he was running for bar commissioner this past year, and even more excited when I heard he was going to serve. At the orientation for new bar commissioners this past summer, I was encouraged by his words and thoughts after I spoke briefly about the civics initiative I planned for my year of service. He quickly brainstormed with me about ways to highlight it through various bar publications and resources. I looked forward to serving with him this year and knew that he would be a counselor to all of us as he always had been, imparting that quiet wisdom on whatever issue was at hand. I knew my year of service as president would be enriched and strengthened by his presence.

As we now know, that presence was taken before we were ready to let it go. But as we mourn the tremendous void we all feel from the loss of his life, we can rejoice by the work and legacy that remains. There is much being written recently about the concept of a servant leader. In my dictionary of leadership, the definition for servant leader will be defined by the example of the life of Robert Huffaker. He was a good one.

There is a song toward the end of that wonderful musical production “Wicked” entitled, “Changed for Good.” The two female leads sing this selection to one another, remarking that the impact of their friendship and what they had learned from one another had changed them, for good. They had taken the best from their friendship, and would be forever different because of it.

I know I have been forever changed by the life and example of Robert Huffaker. Throughout this issue you will learn of others who have likewise been forever changed by the life of this good man. He gave us his best, and we have all been changed, for good.

*—Alyce Manley Spruell*



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KEITH B. NORMAN



*Robert and Kitty Huffaker's first grandchild, Mary Virginia Huffaker, snuggles with her grandfather.*

## Robert Huffaker— Devotion Beyond Measure

This issue is a tribute to the memory of Robert A. Huffaker, the long-time editor of *The Alabama Lawyer* who died September 23, 2010 after a brief illness. For his family, friends and colleagues, Robert's death leaves a painful void.

For 27 years, Robert unstintingly gave his time to the task of editing the *Lawyer*. It is difficult to appreciate the enormity of Robert's commitment. In 2008, on the occasion of his 25 years at the helm of the magazine, I wrote:

To appreciate the labor of love that the *Lawyer* is for Robert, just consider the following. Since 1983, there have been 150 issues of the magazine totaling more than 10,000 pages! Even though the magazine is published every two months, Robert has worked almost daily with Margaret and the Board of Editors for the past 25 years to prepare each issue for publication. Robert's commitment of time in reading all the articles and making editorial decisions for each issue is nothing short of incredible.

The old adage is that whatever is worth doing is worth doing well and Robert's labors afforded the Alabama legal profession with one of the finest professional journals in the country. Under his watchful eye, the

# EXECUTIVE DIRECTOR'S REPORT Continued from page 431

magazine provided the profession with a publication especially helpful to the practicing lawyer. But, Robert's efforts did not end there. He served on several bar committees and most recently chaired the Task Force on Reciprocity that studied the issue and recommended the adoption of the admission by motion rule that now applies in Alabama. Held in high regard by his fellow Montgomery lawyers, Robert was recently elected to serve on the Board of Bar Commissioners.

The Bible acknowledges that "every man's work shall be manifest..." (1Cor. III, 13). Robert's legal career and service to his profession embody this biblical injunction. In this respect, I am pleased to report that shortly before his death, Robert was nominated for the William D. ("Bill") Scruggs, Jr. Service to the Bar Award. This award is not an annual award, but is bestowed by the Board of Bar Commissioners on an individual in recognition of outstanding service to the Alabama State Bar.



Robert A. Huffaker, longtime editor of *The Alabama Lawyer*

It has been observed that "virtue" is a devotion to duty and a standard of striving for excellence in all things. Robert was the epitome of this concept. Besides his splendid career as a highly regarded lawyer in this state, Robert's 27 years as editor of the *Lawyer* stands as a lasting legacy of excellence, devotion and service. Few people have ever matched his record of dedication to this bar. As a lawyer and one of Robert's many colleagues, I will always be grateful. ▲▼▲

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The Huffaker "gang" was all there, including Robert's sister and brother-in-law, Susan and Mike Dunham, top row.

# Letters to the Editor



The cosmetic changes to this issue of *The Alabama Lawyer* are readily apparent. A magazine format and widespread use of graphic art are two measures that have been employed to make the publication more eye-appealing. Additionally, you will be receiving *The Alabama Lawyer* more frequently—bimonthly rather than quarterly. By this increase in frequency of distribution, the articles and news items should be more timely and hence more useful to the practitioner in this state.

A glance through the table of contents will reveal the inclusion of new features not found in previous issues. These new features, such as the cartoons and anecdotes, the Secretary's Report, and the section acknowledging accomplishments of bar members, are offered to provide the reader with a broader perspective of our legal profession and the activities of lawyers in this state.

While the new format of *The Alabama Lawyer* may appear at first glance to be a marked departure from tradition, a review of the initial issue of *The Alabama Lawyer* published in 1940 should allay any fear that the publication is embarking upon uncharted waters. Judge Walter B. Jones, the founding editor, noted in that first issue that *The Alabama Lawyer* would contain "stories and anecdotes which best illustrate the humor of bench and bar," articles on "the history of the state's great judges and outstanding lawyers," and legal articles of "practical and permanent value to the profession." Thus, the new features in this issue are not really radical changes. Instead, they are the resurrection of long-dormant publication objectives.

The most popular features of past issues of *The Alabama Lawyer* have not been neglected. Included within the pages of this issue are lead articles of general interest, announcements of law

firm happenings, and summaries of significant appellate decisions. Hopefully, this mixture of old and new features will provide you with a more interesting, informative and entertaining publication.

In the jargon of the publishing profession, the revamp of *The Alabama Lawyer*

## The Alabama Lawyer— A Facelift for an Old Friend

Robert A. Huffaker

is an attempt to make it a more effective "communicative tool." In plain English, that means that *The Alabama Lawyer* is intended to be like the proverbial book that you just can't put down. Your comments on whether this goal is achieved are anxiously awaited.

—The Editor—

### LETTERS TO THE EDITOR

The purpose of the Letters to the Editor column is to provide a forum for the expression of the readers' views. Readers of *The Alabama Lawyer* are invited to submit short letters, not exceeding 250 words, expressing their opinions, or giving information, as to any matter appearing in the publication or otherwise. The editor reserves the right to select the excerpts therefrom to publish. Unless otherwise expressed by the author, all Letters to the Editor will be candidates for print in *The Alabama Lawyer*; however, it will not be our policy to print letters of the anonymous nature. The publication of a letter does not constitute an endorsement of the views expressed. Letters to the Editor should be sent to *The Alabama Lawyer*, Letters to the Editor, P.O. Box 4136, Montgomery, AL 36101.

### Regular Schedule of Events

- **Oral Arguments—Supreme Court:** Oral arguments are usually held beginning the second Monday in each month during the Regular Term (October through June). No arguments are scheduled during the Special Term (July through September).
- **Oral Arguments—Court of Criminal Appeals:** Oral arguments are generally scheduled for the first week in each month during the Regular Term (October through June). Arguments are usually held at least once during the Special Term (July through September).
- **Oral Arguments—Court of Civil Appeals:** Oral arguments are scheduled the first three days in the third week of each month year round, except for the month of September.
- **Mobile Bar Association:** Monthly meetings of the Mobile Bar Association are held the third Friday in each month at the Mobilian, 1300 Government Blvd., Mobile. All attorneys, local and visiting, are invited to attend the meeting and luncheon. No reservation is required. The price of the meal is \$7.00.
- **Montgomery Bar Association:** Meetings are generally held the third Wednesday in each month at 12:00 noon at the Whitley Hotel.
- **Montgomery Young Lawyer's Section:** Meets second Tuesday in each month at 5:30 P.M. at First Alabama Bank, Main Office. All young lawyers are invited to attend.

Robert's one and only letter from the editor appeared in the January 1983 issue of *The Alabama Lawyer*, the first issue published after taking over as editor.

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OLIVER E. YOUNG, JR.

## Oliver E. Young, Jr.

Oliver E. Young, Jr. was born July 7, 1918 at Elon College in North Carolina and died April 28, 2010. At the time of his birth, his father, Oliver E. Young, Sr., was in World War I, and his mother was visiting her family. Her uncle founded Elon College, and family members taught there, so it was fitting that she be there for the arrival of the first of her four children. She was deaf, but nevertheless taught piano for many years. Mr. Young's father was awarded the Bronze Star with Oak Leaf Cluster for bravery. He practiced law in Lamar County, Alabama for 55 years and served as mayor of Vernon and as a state senator. Oliver E. Young, Jr. was called "O. E." to distinguish the two. O. E.'s grandfather, Alex Young, was an attorney and served as probate judge of Lamar County, the only Populist public official in the history of the county.



O. E. Young began the practice of law in Vernon in 1941. His practice was interrupted by World War II, in which he served in the Army Counterintelligence Corps. After the War, Mr. Young returned to his and his father's practice. O. E. became an expert in municipal and real estate law, and when the oil and gas boom occurred in Lamar County in the 1970s, he was very instrumental in its development.

He was an expert on Indian history, collected coins and was an avid University of Alabama fan and supporter. When his wife, Lois Leppert

# MEMORIALS


Continued from page 435

Young, died in 2001, they had been married 58 years. She was a native of Cleveland, Ohio and excelled in athletics at the University of Alabama, when opportunities for women were few.

Mr. and Mrs. Young had two children. Their son, Oliver E. Young, III, was a Birmingham police officer who was killed in a motorcycle accident at a relatively early age. Their daughter, Barbara Young Davis, was a registered nurse and also died at a young age, of cancer, as did her daughter. Mr. Young was survived by one granddaughter and three grandsons.

Mr. Young enjoyed a rich career. After World War II, he continued his military service in the Alabama National Guard and retired with the rank of lieutenant colonel. At his death, he had been a member of the American Legion Post 86 for 61 years. He was also a faithful church member, having been a member of Vernon United Methodist Church since 1930. Mr.

Young and his father helped form Tombigbee Electric Cooperative, which brought electricity to rural Lamar and other northwest Alabama counties. He drafted the county desegregation plan to comply with the *Brown* decision of the United States Supreme Court. He provided the legal expertise to bring all the major industrial plants to Lamar County. His proudest accomplishment was the creation of the Lamar County Hospital Association Trust, which now has over \$1,000,000 in principal and has provided much needed assistance to health and welfare projects in Lamar County.

One phrase sums up the life of Oliver E. Young, Jr.:  
 "Professionalism and integrity." 

– Retired District Judge L. E. Gosa and District Judge Alex Brown, O. E. Young's law partners after his father's death

<p><b>Byrd, Rickey Darryl</b>                      Toney                      Admitted: 1990                      Died: May 24, 2010</p>	<p><b>Levin, Anne MacDonald</b>                      Montgomery                      Admitted: 1972                      Died: July 15, 2010</p>	<p><b>Todd, Judith Finkel</b>                      Birmingham                      Admitted: 1981                      Died: July 14, 2010</p>
<p><b>Cobb, Herman Warren</b>                      Dothan                      Admitted: 1968                      Died: July 30, 2010</p>	<p><b>Stokes, William Roy</b>                      Brewton                      Admitted: 1957                      Died: November 19, 2009</p>	<p><b>Wampold, Charles Henry, Jr.</b>                      Montgomery                      Admitted: 1948                      Died: July 17, 2010</p>
<p><b>Leaf, Ronald Melvin</b>                      Birmingham                      Admitted: 1984                      Died: July 7, 2010</p>	<p><b>Strickland, William Berthel, III</b>                      Bessemer                      Admitted: 2005                      Died: June 20, 2010</p>	



CLAY A. LANHAM  
[clanham@vickersriis.com](mailto:clanham@vickersriis.com)

## Section Members Work Behind the Scenes


On October 27, 2010, the Young Lawyers' Section (YLS) hosted the Alabama State Bar Admission Ceremony for fall admittees at the Montgomery Performing Arts Center. Alabama Supreme Court Chief Justice Sue Bell Cobb welcomed the admittees. Special thanks go to the members of our Admission Ceremony Committee which include: **Nathan Dickson (chair), Louis Calligas, Walton Hickman** and **Bill Robertson**. The YLS also thanks the United States District Courts for the Northern, Middle and Southern districts of Alabama for the support they provide in connection with the ceremonies. If it were not for the hard work of the committee members and the support of Alabama's federal courts, the fall Admission Ceremony would not have been such a success.

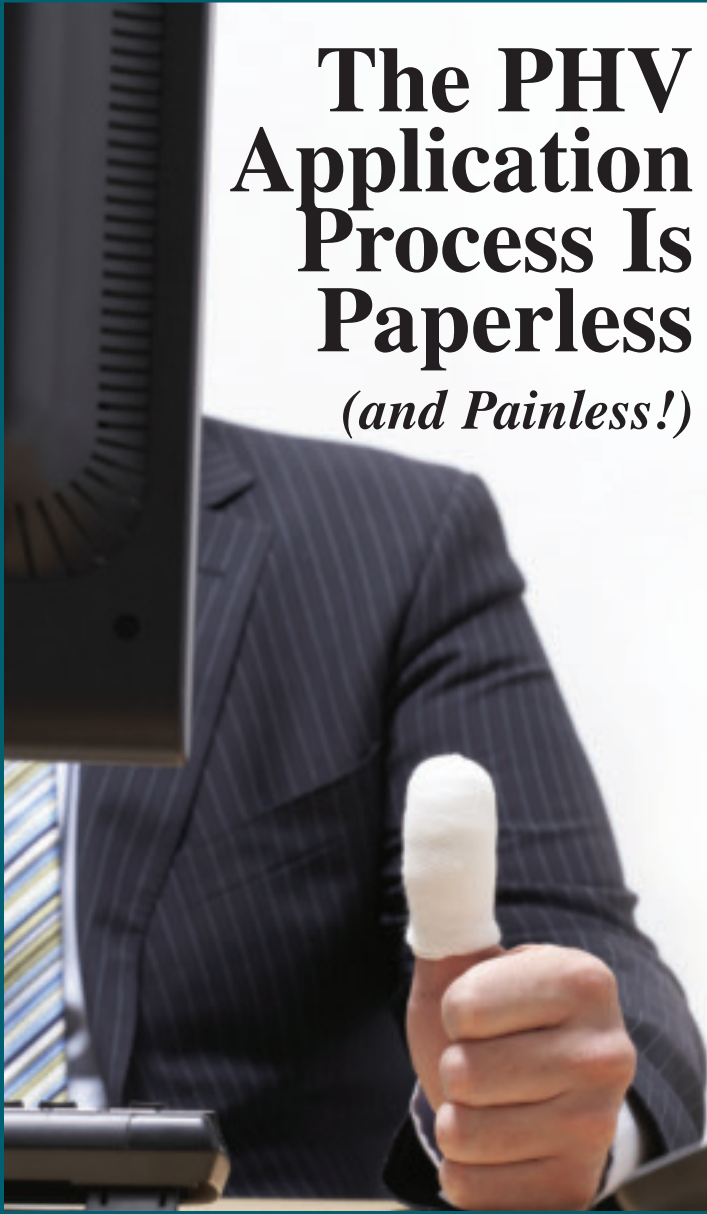
On November 19, the YLS hosted its 9<sup>th</sup> Annual Iron Bowl CLE in Birmingham at **Balch & Bingham**. The Iron Bowl CLE is held each year the week prior to the Iron Bowl and is a convenient way to obtain 3.0 hours of CLE credit (including the required 1.0 hours of ethics) prior to the end of the year. Speakers included **Tommy Spina** (DUI law), **Rip Andrews** (E-discovery and the Use of Social Media in Discovery) and Andrew Nix (*Alabama Business and Non-Profit Entities Code*, which becomes effective January 1, 2011). Thanks go to Balch & Bingham for allowing the YLS to use its facilities and to the speakers for taking time out of their busy schedules to make presentations at the Iron Bowl CLE. I also thank the members of the Iron Bowl CLE Committee, **Jon Patterson (chair), Brett Ialacci** and **Clifton Mosteller**, for their hard work in setting up another successful Iron Bowl CLE. A pair of tickets to the Iron Bowl were given away as a door prize.

## YOUNG LAWYERS' SECTION Continued from page 437

I am proud to announce that the YLS Special Grants Committee has awarded \$3,000 in special grants this year to law-related projects and/or law related non-profit organizations in Alabama. This year five applications were received. The first special grant of \$1,500 was awarded to the **Alabama Center for Law & Civic Education**, which educates young citizens in civic knowledge, skills and responsibilities. The second grant of \$1,500 was awarded to the **Children First Alliance of Alabama** which works

to improve the lives of Alabama's children by monitoring the effectiveness of agencies and the policies of public and/or private programs that address the problems facing at-risk children and families in Alabama. Thanks to **Shay Lawson** for managing the YLS Special Grants Program.

If you have any questions about your Young Lawyers' Section, or if you would like to become more involved with the YLS, please contact me at [clanham@vickersriis.com](mailto:clanham@vickersriis.com). 



## The PHV Application Process Is Paperless *(and Painless!)*

The Alabama State Bar's Pro Hac Vice (PHV) filing process has gone from paper to online. Instead of sending a check and hard copy of the Verified Application for Admission to Practice Pro Hac Vice to the ASB, an out-of-state attorney can now request that his or her local counsel file their PHV application through AlaFile, including electronic payment of the \$300 application fee.

Once local counsel has filed this motion, it will go electronically to the PHV clerk's office at the Alabama State Bar for review.

- If all of the information on the application is correct, the motion will be docketed and sent electronically to the judge assigned to the case for ruling.
- If the information in the application is incorrect or incomplete, a deficiency notice will be e-mailed to the filer (local counsel).

A corrected application may be resubmitted by local counsel via AlaFile.

The PHV clerk will then review the corrected application and, once accepted, the motion will be docketed and sent electronically to the judge assigned to the case for ruling.

Please refer to the "Step-by-Step Process" to file the PHV application in the correct location in the Alafile system. (It should no longer be filed under 'Motions Not Requiring Fee').

Contact IT Support at 1-866-954-9411, option 1 and then option 4, or [applicationsupport@alacourt.gov](mailto:applicationsupport@alacourt.gov) with questions or comments.

# Helpful Court and Law Library Links

Two links at the Alabama Unified Judicial System's website (<http://judicial.alabama.gov>) can be especially helpful to the members of Alabama's bench and bar. The link to "appellate courts" provides access to the following "quick links": appellate court e-filing, appellate mediation, frequently asked questions, judicial inquiry commission, court of the judiciary, and changes to the rules of court. The link to "law library" provides access to these "quick links" (among others): jury instructions, rules of court, and search Alabama laws. ▲▼▲

## Federal Public Defender

The United States Court of Appeals for the Eleventh Circuit invites applications for the newly-created Federal Public Defender position for the Northern District in Alabama, stationed at Birmingham. Minimum qualifications include 5 years active criminal law practice, significant supervisory experience, and active membership in a bar association of any state. The current first-year salary is \$139,950. Hiring for this position is subject to the availability of funds.

Full job announcement and application are available on the Court's website at [www.ca11.uscourts.gov/humanresources](http://www.ca11.uscourts.gov/humanresources), from the Clerk of the Eleventh Circuit Court of Appeals, Clerks of the District Courts in the Eleventh Circuit, and from the Circuit Executive's Office. Comments and applications should be submitted in confidence to James P. Gerstenlauer, Circuit Executive, Eleventh Judicial Circuit, 56 Forsyth Street, NW, Room 304, Atlanta, Georgia 30303, not later than 17 December 2010. The United States Courts Are Equal Opportunity Employers. ▲▼▲

## Correction

In the September issue of *The Alabama Lawyer*, on page 397, Robert Thompson was incorrectly listed under "Bullock County" and should have been included with those participating in the Lawyer Referral Service from "Macon County." We apologize for this error and any inconvenience it may have caused. ▲▼▲

*The Gargoyle Dothan High School's yearbook...*



*Robert's senior portrait*



**MOST DIGNIFIED**  
Kaye Park, Stanley Peterson and Robert Huffaker

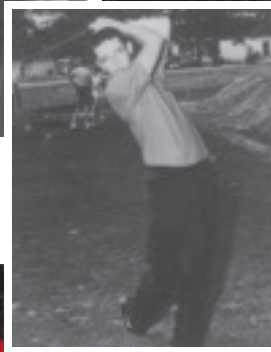


*Club officers Robert Huffaker, Priscilla Spann, Bob Tom Snellgrove and Elizabeth Eve pose with Mrs. Allen.*

**D.H.S. GOLF TEAM COMPETES IN STATE MEET**



*Linksmen participate in the 1961 State Tourney played on Roebuck Municipal course in Birmingham. Pictured above are Coach Charlie McCall, Mike Howell, Sammy Maddox, Bill Lee, Robert Huffaker, and golf pro Telfair Ghioto.*



*"Straight down the middle"*

**GARGOYLE 1962**

# Robert A. Huffaker

DECEMBER 9, 1944–SEPTEMBER 23, 2010



Robert Huffaker, in a mid-1980s firm photo

**R**obert A. Huffaker, long-time editor of *The Alabama Lawyer* and a shareholder with Rushton, Stakely, Johnston & Garrett PA in Montgomery, died September 23, 2010 after a short illness. He was 65.

After graduating in the top 10 percent of his class at Dothan High School, he attended the University of Alabama. He graduated in 1966, while maintaining a grade point average of 3.0. In law school, he was ranked first in his class while also serving as editor-in-chief of the *Alabama Law Review*. He was named to the Order of the Coif.

After graduating from law school, Robert married Kitty Nichols and served in the U. S. Army for several years. He returned to Alabama and became a law clerk to Alabama Supreme Court Justice James M. Bloodworth. He joined Rushton, Stakely, Johnston & Garrett in 1971 and practiced there until his death. Kitty and Robert had two sons, Austin and Lee.

In 1984, Robert received the highest honor given by the Alabama State Bar—the Award of Merit. He was a Life

Fellow of the Alabama Law Foundation, and served as Bar Commissioner for the 15th Judicial Circuit. Robert joined the Volunteer Lawyers Program in 2007, and began service on the Pro Bono and Public Service Committee in 2009. He had recently joined the faculty at Jones Law School at Faulkner University, teaching trial advocacy.

Robert's greatest contribution, though, to the state bar and to his fellow lawyers was his almost-28 years of service as editor of *The Alabama Lawyer*.

Robert and wife Kitty's older son, Austin, became a member of the Alabama State Bar in 1999 and is a shareholder with Rushton, Stakely, Johnston & Garrett. Their younger son, Lee, joined the bar in 2001 and was practicing with the Birmingham firm of Maynard Cooper & Gale at the time of his death last year.

Memorial contributions may be made to First United Methodist Church, 2416 West Cloverdale Park, Montgomery, Alabama 36106; the Alabama Law Foundation, P.O. Box 671, Montgomery, Alabama 36101; or the charity of one's choice. ▲▲

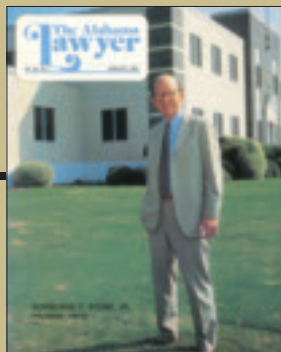
*The Alabama Lawyer* through the years...



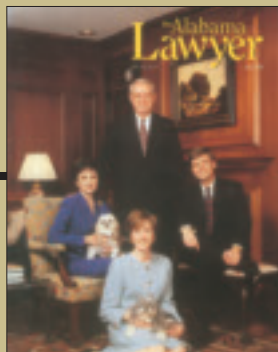
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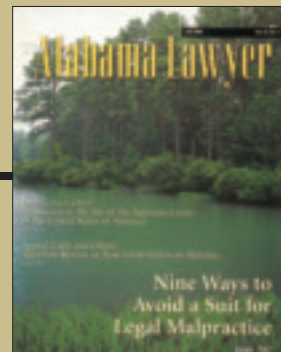
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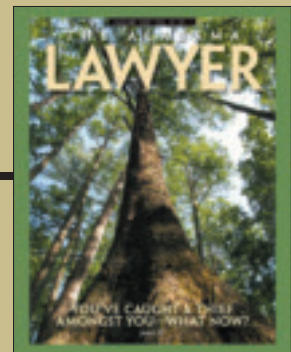
January 1983



July 1996



July 2004



January 2008

MINUTES OF MEETING OF THE BOARD OF EDITORS,  
THE ALABAMA LAWYER,  
JANUARY 28, 1983

The members of the Board of Editors of the Alabama Lawyer convened on January 28, 1983. Present at the meeting were Robert A. Huffaker, Jen Howell, Braxton Ashe, Robert Denniston, Vanessa Penn Durant, Patrick Graves, Robert Farwood, William D. Nelton, Drew Redden, and Carol Ann Smith.

The Board members reviewed the January 1983 issue of THE ALABAMA LAWYER and suggested the following changes to be incorporated within future issues:

1. The title of the report given by Reggie Hamner will be changed to the "Executive Director's Report."
2. The Letters to the Editor section will be moved so that it is one of the first portions of the publication and precedes any substantive article.
3. The section describing the regular schedule of events for oral argument in the appellate courts will be deleted and the section describing the date for meetings of local bar associations will be placed in the section entitled "Riding the Circuits."
4. An announcement of the selection and a photograph of all new judicial appointees will be inserted in THE ALABAMA LAWYER.
5. If possible, the schedule of approved CLE seminars will list the cost for registration.
6. The spelling of "Judgement" will be changed to "Judgment."
7. If possible, the age or date of birth of deceased members will be listed.

The Board members also discussed the publication of articles submitted by the Bar Association's Risk Manager, Duke Nordlinger Stern. Criticism was expressed of the article contained in the January issue, as well as previously published articles, on the ground that the content was far too general in scope. It was suggested that we review the contractual arrangement between the Bar Association and Duke Nordlinger to determine if THE ALABAMA LAWYER is obligated to publish these articles and ascertain if the quality of the articles can be improved.

The following topics were suggested for possible articles to be published:

1. An article on word processing machines, telephones or other office equipment.
2. Extract or summary of the actions taken by the Board of Bar Commissioners.
3. An article on how to open your own private practice.
4. An article or series of articles on renovation and restoration of buildings for law office use.
5. An article or section entitled "Ultra Vires" which contains comments about lawyers by clients, court clerks, bailiffs, legal secretaries, judges, etc.



Photo from "Lawyers in the Family" in the January 2002 Alabama Lawyer—M. Lee Huffaker (2001), Robert A. Huffaker (1968) and Robert A. Huffaker, Jr. (1999) (admittee, father and brother)



Rumore, c. 1995

Robert Huffaker served as editor of *The Alabama Lawyer* during the entire 14 years that I wrote articles about the Alabama courthouses. I deeply appreciated his great service to our bar as editor. In my opinion, he was a writer's editor. He always gave me total creative freedom to write about the courthouses and to submit as many different photos and topics as I chose. These included special articles about the courthouses in England, Ireland, France, Spain, Alaska, Hawaii, and Indiana. My favorite memory of Robert is one that I see every day in my office. He made a special presentation to me at a Bar Commission meeting to thank me for the articles. The gift was a poster-size photo of me standing beside a giant statue of Superman at the Metropolis, Illinois courthouse. It was fantastic and I show it to all visitors to my office. I sincerely appreciated his gesture of recognition and it illustrated how much he cared about others. He was certainly a great and generous member of our bar. I send best wishes to all who will carry on our great *Alabama Lawyer* magazine in his tradition of excellence.



—Sam Rumore, Birmingham





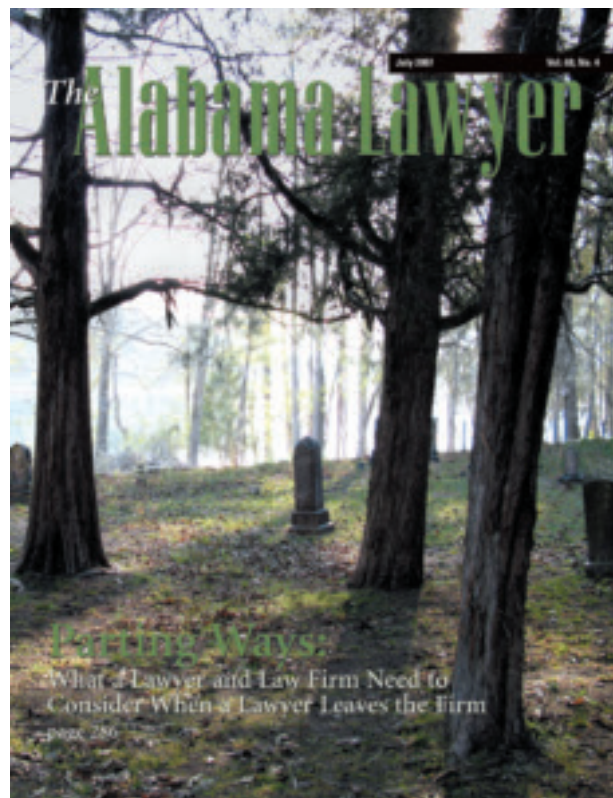
Austin Huffaker, second from left, with fellow law students Jason Smith and Thomas Scroggins as Marland Hayes (left) congratulates them on winning the 1998 Environmental Law Section Essay Contest.



Lee Huffaker and Jim Goyer's pro bono efforts were highlighted in the October 2006 Addendum.



At the 2009 ASB Annual Meeting in Point Clear were Lee, Robert and Austin Huffaker.



The July 2007 cover of The Alabama Lawyer was one of two featuring photographs taken by Lee Huffaker. Please see the January 2008 cover on page 441 of this issue for Lee's other contribution.



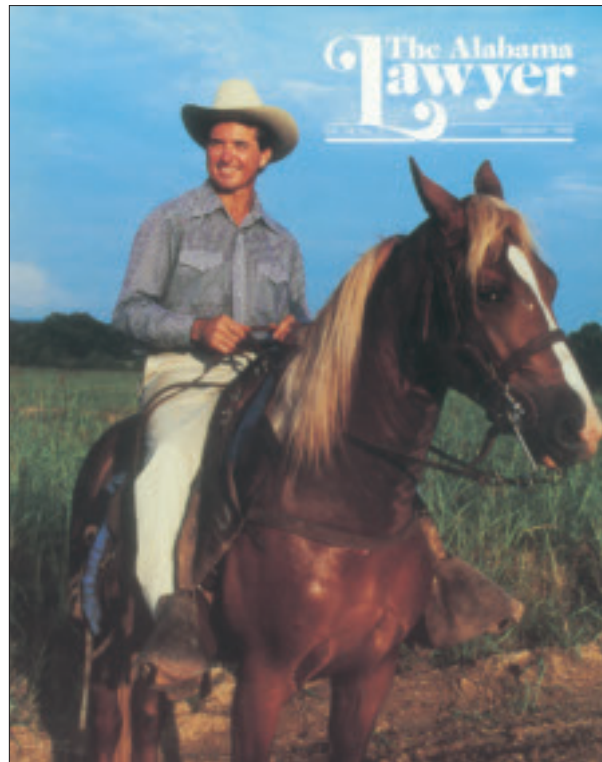
Austin and Lee Huffaker attending one of the many plenary sessions at the 2009 Annual Meeting

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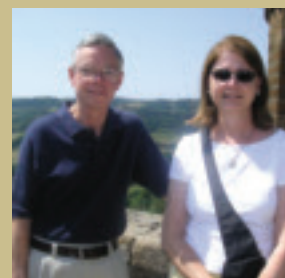
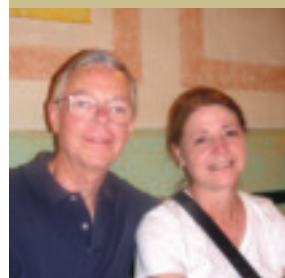
Go online and sign up for approved courses.

**Don't wait until the last minute!**



*One of the most "popular" AL covers during Robert's service as editor, the September 1989 issue featured Alabama State Bar President Alva C. Caine of Birmingham and Brandy at his farm near Safford.*

*Highlights from some of Robert and Kitty's travels...*





# My Best Friend, Huff

**B**rilliant. Private. Organized. Humble. Controlled. When I think of my friend Robert Huffaker, these are the words that immediately pop into my mind with “brilliant” being at the top of this list by a wide margin.

My relationship with “Huff” or “Huffy,” as his friends and I knew him, goes back to Dothan High School over 50 years ago. Huff and I became good friends through various school activities including Key Club, the golf team and the National Honor Society. I was actually a grade ahead of Huff and his lifelong friends **Bill Lee, Richard McClintock** and **Mike Howell**, since I was allowed to enter the first grade at the age of five due to a legislative act which was only effective for one school term in 1949, so I really should have been a member of his class. Our families were also members of the same church (First Methodist Church of Dothan) and we attended Sunday School and MVF together during the late 1950s and early 1960s.

After graduating from Dothan High School in 1962, Huff entered the University of Alabama. I had already been a student there for a year. Although my fraternity rushed Huff and other Dothan boys, he pledged and became a member of Delta Kappa Epsilon (DEKE) fraternity. Our paths rarely crossed in undergraduate school but we continued to communicate with each other from time to time. My close relationship as a friend with Huff really renewed when we were freshman classmates at the University of Alabama School of Law in 1965. Huff and Bill Lee entered after their junior year on what was known as the 3/3 plan when the first year of law school classes counted as electives toward undergraduate degrees. I believe that 1965 was the last year that the 3/3 plan was allowed to be used at the university.

It was a real stroke of luck for me to be a friend of Huff’s in law school. I always knew that he was smart, but I



*By Wade H. Baxley*

never realized until our first year of law school that he was unique and brilliant. When we studied together for finals, Huff allowed me to use the “outlines” he had put together for torts, contracts, common law pleading, constitutional law, etc. I soon found out that I could make a “B” in any course just by attending class all semester and then using Huff’s outline of the course to study for the final exam. Later, as Huff began to win book after book as an award for having the best grade in a class, several other classmates discovered the magic of using Huff’s outlines to either make good grades or improve on grades. As our classmate, **Larry Morris**, has stated both publicly and privately on many occasions, never has so much been owed to one person (Huff) by so many members of the law school class of 1968 for allowing us to use his outlines to make better grades and to more easily pass courses. Larry has also bragged that he would have been tied with Huff for the top spot in our class if Huff had not started covering up his blue books during final exams.

Following his graduation from law school, Huff married **Kitty Nichols** and then entered the U.S. Army as a 2nd lieutenant. His active duty assignment was in Heidelberg, Germany. I continued to stay in touch with him while I served as a law clerk to **Judge Aubrey Cates** of the old Alabama Court of Appeals from 1968-1969. When Huff started making plans to return to this area, we discussed his taking a clerkship job and I checked around and put him in touch with **Alabama Supreme**

**Court Justice James Bloodworth**. I’m sure that Judge Bloodworth was duly impressed by Huff’s scholarly résumé and he was hired as Judge Bloodworth’s law clerk, which started Huff’s law career in Montgomery.

Huff joined the firm of **Rushton, Stakely, Johnston & Garrett** in 1971, which turned out to be an outstanding choice by both parties. From the time that the Huffakers moved back to Alabama from Germany, our families stayed in close contact with one another. We called each other and celebrated the births of our children. We became active in the Alabama State Bar (ASB) and the Alabama Defense Lawyers Association (ADLA) and our families took trips together to annual meetings of these organizations. His boys were the same ages of mine. I generally tried to sit by Huff at CLE seminars so that I could ask him questions and so people could think I was smart by association. I recall one time when Huff and I were attending a mid-year meeting of the ASB and a program was being given by a U.S. district judge from Texas about some new federal rule or ruling. Quite frankly, I got lost in the depth of this lecture early on, but I felt much better halfway through when Huff leaned over to me and whispered, “This is some really deep (expletive deleted).” If this lecture was tough and troubling for Huff to follow, I was greatly relieved at my inability to do so.

Another incident showing the wit and wisdom of Huff was when I was visiting with him in his office at Rushton, Stakely a number of years ago after my client had been hit for a \$600,000

# A Lynch Mob Mentality



Ronald Cottrell vs. NCAA  
The Untold Story

by Judge Steve Wilson

A Book Every Alabama Fan Should Read

See [www.alynchmobmentality.com](http://www.alynchmobmentality.com)  
for ordering information.



Robert and fellow ASB Annual Meeting attendees, including Justice Lyn Stuart (far left), former Chief Justice Sonny Hornsby (second from right) and Wade Baxley (center), longtime friend of Robert's

verdict in a jury trial here in the Circuit Court of Houston County on an outrageous conduct claim. While I was lamenting and moaning about my recent loss, Huff got up out of his chair, walked over and closed his office door, sat back down, looked me straight in the eye and said, "You aren't (same expletive deleted) as a defense attorney until you lose a \$1,000,000 verdict!" He then told me a story about his recent defense of an automobile dealership in Macon County. According to Huff, he called to report on the outcome of the case to the claims representative of his client's liability insurance carrier and told him

that he had some good news and some bad news about the verdict. The claims representative asked him what the bad news was and Huff replied that the jury had returned a verdict against the insured defendant for \$2.2 million. Huff said that the claims representative, after picking himself up off the floor, asked him what the good news could possibly be and Huff replied to him that the good news was that \$2.2 million was all that attorney **Fred Gray** had asked for in his closing argument. Thanks to my being associated by **Sam Franklin** as local counsel in a wrongful death action soon after this meeting with Huff, I am now a member of that exclusive defense attorney's club.

When I served as president of the ASB in 1999-2000, I was constantly harassed by publications director Margaret (Mad Dog) Murphy to get my "President's Page" article into her in a timely fashion. (Mad Dog obviously had a previous life in the middle ages as sergeant-at-arms of a torture chamber for a demonic king or queen somewhere in a kingdom in Europe.) When I complained to my editor friend Huff about the way Mad Dog was treating me, he took up for her and ordered me to follow Mad Dog's unreasonable deadline directives and I did. I'm sure that he treated staff at Rushton, Stakely with the same class and dignity as he treated the staff at the ASB and particularly those who worked for *The Alabama Lawyer*.

Over the past 30-40 years, we referred clients to one another and I continued to use him as my instant legal research source from time to time when I encountered a new legal issue or needed



THE SUIT FITS

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*Robert Huffaker seems amused (or amazed) by something that Wade Baxley just said.*

help finding case law in support of a particular position. I am dreading the fact that I am going to be forced to do legal research on my own. My wife and I have had an annual stay and overnight visit in Montgomery for the last decade or so with the Huffakers while attending the annual Fellows banquet of the Alabama Law

Foundation, which we always enjoyed. Unfortunately, Huff did not feel quite up to attending the 2009 banquet due to his son **Lee's** untimely death several months earlier.

A lot of people do not know that Huff was a really good golfer in his early years. He learned golf at an early age from his father (**Colonel Bob Huffaker**) whom Huff and I visited and played golf with at Ft. McPherson in Georgia during our vacation breaks in law school. Although he did not play nearly as much golf after he became a lawyer, Huff still had that smooth swing that he developed as a teenager at the Dothan Country Club. I was privileged to have witnessed his last golf shot at the Shark's Tooth golf course in Panama City Beach, when Huff, Larry Morris, **Tony McLain** and I had a match on Friday, July 16, during the ASB Annual Meeting. Huff's second shot was short of the 18th green and he had about a 50-yard pitch and run shot to a back pin placement on the second tier of a rather large green. He ran his chip shot up to within several inches of the hole for a tap-in par. Huff and McLain were not very humble victors and they took great pride in winning money from no-game Morris and me. I will never play that hole again at the Shark's Tooth without thinking of Huff and that last shot he made. We had planned a rematch at Willow Point in August which turned out to be shortly after Huff's cancer was discovered so unfortunately our rematch never occurred.

I know in our various conversations over the years that Huff had a burning desire to serve as an associate justice on the

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Kitty and Robert Huffaker attend the 2009 Fellows dinner in Montgomery at the Montgomery Museum of Fine Arts.

Alabama Supreme Court. At one time in the last decade, Huff was offered an opportunity to run unopposed on the Republican ticket for an open seat on the court. However, after talking with friends, family and law partners, he opted not to seek that position. Knowing Huff like I do, I do not believe that he could stomach the political side of this undertaking. Although he never mentioned it to me, money may have been a small consideration since he would have been taking a substantial income cut as a judge. I also believe that Huff had a desire to be a law school professor and he would have been as outstanding as our classmate **Charlie Gamble**. He had just started teaching a course at Jones Law School which he really seemed to enjoy.

My heart has an empty hole and my personal grief is overwhelming while I reminisce and write these words about my friend Robert Huffaker. I am not ashamed or embarrassed that I have cried in public and by myself many times during Huff's last days with us and after his passing. Of course, like everyone, I grieve for Huff's wife, **Kitty**, son **Austin**, sister **Susan** and



Robert Huffaker and Wade Baxley show that annual meetings aren't all stuffy seminars and boring presentations.

other members of his immediate family. However, I know that Kitty, Austin and Susan are all strong in character and faith and they will be able to learn to live through this tragedy with Robert's memory. I even find myself grieving for his cats (**Tubby, Gus and Jack**) who were always waiting outside the bedroom door when I would spend the night in Montgomery at the Huffaker home. He will be greatly missed by his long-time legal assistant, **Veronique W. Andrews**, and his law partners, with whom he worked for nearly 40 years. Huff's service as chair and editor of *The Alabama Lawyer* magazine, in my opinion, will never be equaled and will certainly leave some awfully big shoes for someone to fill.

I confess that I do not understand why Huff and his son, Lee, had to be taken away from us with years of productive work to be done. Maybe God was in immediate need of two more bright and brilliant persons in heaven. God knows He has left more than enough of us not-so-bright ones here on earth. In any event, we were extremely blessed to have Huff with us for 65 years and I will try to remember all of the good times we shared together as friends over the last half-century to help overcome my grief and our bar's tragic loss. I miss my friend, Huff. ▲▼▲

—Wade H. Baxley served as the 1999-2000 president of the Alabama State Bar. He practices with Ramsey, Baxley & McDougle in Dothan.

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Four generations of the Huffaker family: Bob, Robert, Mary Virginia, Austin, and Lee

# Slow to Anger, Quick to Laugh

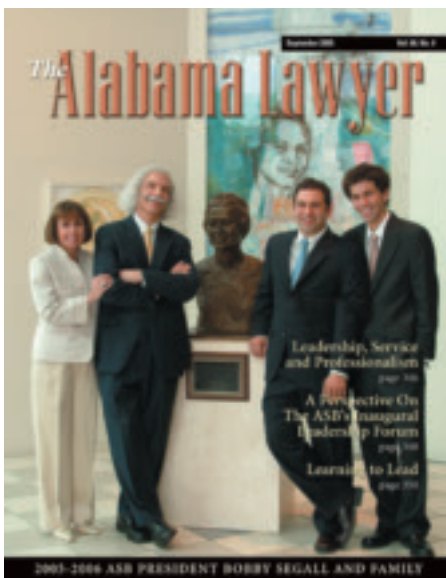
I feel honored to have been asked (well, not rejected when I asked) to write a personal tribute to Robert Huffaker. I get to write this tribute because Robert built his extraordinary reputation in no small part from winning lawsuits in which I was on the other side. You likely have read about the great heavy weight boxing champion, Joe Louis, who fought and won so frequently that each opponent became known as the “Bum of the Month.” The only difference between Louis’s opponents and me is that I was Robert’s bum on numerous occasions. I didn’t always lose in the first round, i.e., at the trial court level, but Robert was persistent, and winning by split decision suited him fine.

Losing to Robert, though, was different than losing to almost anyone else. He never made you feel like you had lost, or that you had no hope of winning the next time up<sup>1</sup>. I think that was a reflection of his gentle spirit, of his grace and of his kindness. Sometimes, he even made you

feel good in the process of beating you. I can remember at least two occasions when that happened. Once, in a jury trial, after I had cross-examined his client and was walking back to counsel table, he said, “That was *really* a fine cross-examination.” It may have been sarcasm—because he promptly rehabilitated his client, reducing my cross to very ordinary—but sarcasm wasn’t in Robert’s nature.

On another occasion, in a controversy noted mostly for the Lieutenant Governor’s artistry and dead-eye aim in urinating in a bottle during a senate session, Robert, making free use of hyperbole, told me how much he liked my oral argument. That was shortly after the argument finished and shortly before the court ruled against me.

Although in both instances Robert’s praise exaggerated (significantly) the quality of my performance, it must have meant something to me—because I remember it, something that is not always my strong suit.




**By Bobby Segall**

I also cherish the memory of how comforting Robert could (try to) be. Several years ago, I had the unenviable task of defending before the 11<sup>th</sup> Circuit a rare favorable ruling from **Judge Robert Varner**. **Charlie Crook**, who was in the case with Robert, started his argument addressing the presiding judge: “Judge Tjoflat, you won’t believe what Judge Varner did in this case.” When **Judge Tjoflat** laughed loudly, and even irrepressibly, I successfully predicted that a 15-minute oral argument might seem quite long. It did. Judge Tjoflat cross-examined me like a three-time loser caught stealing a car on video. I remained feisty, but entirely unpersuasive. Robert, of course, argued brilliantly. Afterwards, as I was walking dejectedly to my car, Robert made a point of saying, “Bobby, you did good, I think they liked you.” We both knew they had neither liked me, nor had I “done good,” but Robert tried valiantly to make me feel better, and he did—but not much better.

In our many years of litigating against each other, Robert and I never had a single cross word. Robert never did with anyone. I may have exchanged a few cross words with a lawyer or two (or two hundred), but never with Robert. He was far too civil and gentlemanly and nice. It would have been almost sacrilege to get mad with him. I didn’t even get mad when he stole my secretary of 14 years, **Veronique Andrews**. Robert called, and in agonizing tones related that Veronique had applied for a position with him. He felt horrible because I had raved to him for years about what a great secretary Veronique was. By the time he finished wringing his hands, gnashing his teeth, tearfully apologizing and asking my permission to hire my secretary, I was ready not only to surrender my secretary, but also to throw in my wife if it would make him feel better.<sup>2</sup>

None of this is to suggest that Robert could not demonstrate his displeasure with you. He just didn’t raise his voice to do it.

In one particular case, Robert represented a (now deceased) Governor (“important” people tended to hire Robert a lot), and I noticed his client’s deposition. Robert proposed a deal. Because, he said, attempting to embarrass the Governor before the media would serve no useful end, the Governor would answer every question in a straight-forward fashion without arguing or quibbling about language, and I would agree not to impeach him if he accidentally stumbled. I agreed. The Governor lived up to his end of the bargain, but on an important point toward the end of the deposition testified differently than a comment he had made in a speech. From reflex, I began to rise with the intention of refreshing the Governor’s recollection, but after budging I thought only imperceptibly, I caught a seriously disapproving stare from Robert. That’s all it took. I sunk back into my chair and mumbled, “Never mind.” Robert always honored his agreements, and I didn’t want him to think I even might fail to honor mine. Despite



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my quick (Huffaker-stare aided) recovery, I think Robert remained slightly ticked that I had even fidgeted in my chair.

While Robert was slow to anger, he was quick to laugh. That's one reason I liked him so much. He had a terrific sense of humor. One example involves *The Alabama Lawyer*, a publication Robert edited for more years than most people are married—cumulatively—no matter to how many different people. A few years ago, at a bar tribute to Robert for his service to *The Alabama Lawyer*, Robert's good friend, **Wade Baxley**, said *The Alabama Lawyer* worked better on him than Ambien. Robert instantly responded, "A lot of law books have that effect on Wade."<sup>3</sup>

Robert probably is still laughing about some of the times he took advantage of me. Many years ago, I had a pretty good case against Robert's client, and we went to Chicago in January to depose folks at his client's corporate headquarters. It was freezing cold with the wind whipping off the river at around 45 miles per hour. Robert and I took an early morning cab to headquarters and saw employees straining and struggling mightily against the wind. To get to the building, they pulled hard against a long hand rail running from the building to the street. They looked miserable—and semi-terrified. Robert said, "To avoid our getting out of this cab and probably getting blown into the river, I'll make a one-time offer to settle, and if you take it, this cab can drive us to the airport." We settled right there in the cab, and not for enough money.

Robert, as everyone knows, was unflinchingly honorable but, in my mind, candid to a fault. When I was running for re-election as bar commissioner, Robert called. He said, "Bobby, don't get upset when you see I signed the petition of your opponent for bar commissioner. He associates me a lot, and I had no idea the seat involved was yours." I said, "Robert, don't worry about it. First, if you hadn't called me, I never would have known about your signature. But, secondly, you can still vote for me when the ballots come out next week." Robert responded, "When you sign a petition, it's a commitment to vote for that person." I said, "Robert, a little white lie never hurt anyone. Whomever you vote for next week,

at least tell me you voted for me." Robert remained silent, and never did tell me who he voted for. I never asked. He would have told the truth.

I could go on for a long time writing about Robert. After I began private practice in 1973 (Robert started in 1971), I don't think a single year passed without Robert and my having at least one case together. Only once were we on the same side (we lost, and Robert apparently learned his lesson). After all those years, my abiding conviction is that Robert was everything a lawyer should be. He was extraordinarily bright, and he was a beautiful legal writer. He was hard-working, professional, civil, nice, full of integrity, and just a great lawyer and person. He made his wife proud. He made his children, **Austin** and **Lee**, proud. **Dr. Karl Stegall**, in eulogizing Robert, and in trying to dramatize the respect everyone had for him, analogized to the scene in *To Kill a Mockingbird* where Atticus, after receiving a guilty verdict, walks out of the courtroom. In the balcony every black person is standing, and Rev. Sykes tells Scout, "Stand up, your father is passing." That's the kind of esteem in which Robert was held. And, I'll tell you one more thing about Robert. He was truly and sincerely loved, and not only by his family. He was loved by lawyers across this state and, most tellingly, by

lawyers in his own law firm, that is, by the people who knew him best.

I count myself blessed for having been at a party with Robert on the night before he became ill, not seven weeks before his death. We talked a lot that night, a little even about his son, Lee, a remarkable lawyer and human being who tragically passed away only a little more than a year before his father. Robert and his family were devastated by that, but I sensed that Robert was trying his best to enjoy his life and make the most of it. I so regret that his effort was cut short. Like so many others, my old friend, I miss you already. ▲▼▲

—Bobby Segall served as the 2005-2006 president of the Alabama State Bar. He practices in Montgomery with Copeland, Franco, Screws & Gill.

## Endnotes

1. Robert would never end a sentence with a preposition. I usually don't either, but just for this tribute to Robert, I've decided to try it out.
2. Fortunately, I quickly found an equally wonderful secretary, **Della Bryan**, who still works with me 14 years later, just as Veronique was still with Robert at the time of his death. Happily, Robert, well satisfied with **Kitty**, declined to take my wife who, as of the time this tribute went to press, also is still with me.
3. True, but also funny.

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Addendum editor Susan DePaola and Kitty and Robert Huffaker enjoy looking through past issues of *The Alabama Lawyer*.

# The Greatest Boss I Never Had

When I began in October 1984 as managing editor of *The Alabama Lawyer*, I don't think that I truly appreciated the job I was being hired for and how it would become such a big part of my life. However, when I received the news September 23<sup>rd</sup> that Robert Huffaker had died after a very, very brief illness, I knew instantly, full well, what the legal profession, *The Alabama Lawyer* and I had lost and that things would never be the same.

Never once in the past two and a half decades have my first impressions of Robert changed—unbelievably intelligent and incredibly moral. I've said many times during the past 26 years, and especially the past five weeks, that I was lucky enough to work with one of the "good guys," someone who always did what was right, no matter how hard it was or who might get offended. And, Robert did it without any fanfare or need for recognition. Doing what was right, and doing it in a non-confrontational way, just

seemed to come naturally to him.

Robert was also "scary smart" and I always said it with the utmost respect. He was amazing in his capacity to fully understand each legal article sent to him, no matter what area of law it covered or what new court decision was being explained. Not being an attorney, there were times when I felt something in a legal article wasn't clear and I would run it by Robert for edification or clarification. Not only could Robert rework it, if necessary, but he could also explain it to me, and in a non-condescending way. He could "dummy down" something but never make *me* feel like a dummy.

Robert also had more than his fair share of common sense. When we first started working together on the *Lawyer*, computers were little more than simple word processors, and e-mail and the Internet weren't commonplace in law firms or anywhere else. Even when they did become more of the "norm," he would shake his head and tell me that

**By Margaret L. Murphy**





All together for the holidays are Robert, Caroline, Lee, Ann, and Austin.

# An Extraordinary Legal Mind



*By Charles W. Gamble,  
Dean Emeritus, University of  
Alabama School of Law*

Any law professor fortunate enough to become dean of his alma mater leans upon the members of his or her graduating class for extra support, both emotional and financial. Dean Thomas Christopher, when he departed the deanship of the law school at the University of New Mexico to return to the University of Alabama School of Law, relied significantly upon the large, post-World War II class of 1948. In fact many of these alumni referred to theirs as “the great class of 1948”. Similarly, classmates of mine dominated the alumni leadership during my own deanship. Sometimes, in fundraising competition with Dean Christopher’s class, I referred to this group as “the great class of 1968.” No member of this class was more supportive of my deanship than Robert Huffaker. It is, consequently, with deep sadness, but a grateful heart, that I write to commemorate his life in the law.

Inscribed indelibly upon my memory is that hot, fall day 45 years ago when I arrived early for Dean M. Leigh Harrison’s freshman contracts class at

the University of Alabama School of Law. My seatmate, **Terry Butts**, and I sat in a two-man, partners’ desk located beside the open windows of the large lecture hall in Farrah Hall. We were in fearful anticipation because we had been advised by the Professors Harry “Hatchet Harry” Cohen, John C. “Blackjack” Payne and Sam “Bad Sam” Beatty to look to our left and look to our right because two of us would not survive academically after the freshman year. Into that intimidating environment leisurely walked three young friends from their undergraduate days at the University of Alabama—**Wade Baxley**, **Bill Lee** and **Robert Huffaker**. After Dean Harrison entered the room and called the roll, he proceeded to introduce us—by means of intimidating, Socratic questioning—to the process of “thinking like lawyers.” Wade Baxley, Bill Lee, Terry Butts and I soon proved ourselves to be capable students. Robert Huffaker, however, stood and responded to Dean Harrison’s piercing questions in a way that demonstrated the possession of a mind exceptionally gifted at legal reasoning. It was immediately



Tom McGregor (right) receiving Award of Merit award at 2009 Annual Meeting from Tom Methvin.

It was my pleasure to have worked with Robert Huffaker over the years. He was not only a capable lawyer but a real gentleman. He was a Class Act. He will be sorely missed by many.

—Tom McGregor, Montgomery

evident that we were in the company of an extraordinary legal mind.

Two years later, I walked into a meeting with the editorial board of the *Alabama Law Review* to defend an article that I had submitted for possible publication. I had struggled mightily in producing the draft to be discussed—and it showed! In a session that was much like the “bull-in-the-ring” encounters which were then a customary drill found in the typical football practice, Robert Huffaker (who had by this time been chosen as editor-in-chief) propounded questions so piercing that they clearly revealed the weaknesses in my written analysis. His insights and suggestions were equal to those of the faculty advisor, **Professor Wythe Holt**, and served as a pivotal factor in creating in me a beginning foundation for a career in legal writing.

To describe Robert Huffaker as having been an outstanding student while at the law school would be a serious understatement. During the time when all law school examinations were essay format, he wrote the best paper in seven courses, thus earning the American Jurisprudence Book Award in each. Due to his academic standing following the freshman year, the dean and faculty bestowed upon him the Bradley, Arant, Rose & White Scholarship which was then the only grant paying in excess of tuition. He wrote the best brief in moot court competition and was selected to serve in the coveted capacity of research assistant to **Dean Daniel J. Meador**.

Robert Huffaker demonstrated a combination of talents possessed by only the top tier of legal advocates. His ability to think effectively through complex legal issues was complemented by the capacity to express those thoughts persuasively in writing. This double threat made it a natural for Robert to serve 27 years as editor of *The Alabama Lawyer*. Perhaps none of his innumerable efforts at giving back to his calling was more important than commanding the helm of this publication which has served throughout the history of the bar as the means by which we measure the pulse of the legal profession in Alabama.

Robert’s uncommon mind reached its full potential after he invested almost half a century pursuing a command of the law and its procedures. The fruit of this labor consisted of his becoming a trial and appellate lawyer of the first rank. He was the consummate professional and a “lawyer’s lawyer.” Whether judged by a state or national standard, the level of advocacy he provided his impressive list of clients, at the historic firm of Rushton, Stakely, Johnston & Garrett, was exceptional in every respect. His career is a model for those seeking to meet the challenge with which Dean Albert J. Farrah admonished all of his students during the formative period in the development of the University of Alabama School of Law:

Young gentlemen, the law is a jealous mistress, and you must woo her persistently, else she will forsake you and seek a more suitable companion. She not with the football team, nor the baseball team, nor the glee club. He who would win her affection must live like a hermit and work like a horse.

One generation often fails to pass the gene for a gifted mind to the generation that follows. The Huffakers are the exception. It was my high honor to teach Robert’s sons, Austin and Lee. Both of these young men, like their father before them, possessed exceptional minds and a commitment to hard work that propelled them academically to the top of their respective classes. Watching each of them excel in that form of legal thinking revealed through serious Socratic questioning carried me back nostalgically four decades to when, as a freshman law student, I had marveled at the same abilities demonstrated by their father.

One of life’s great moments of self-realization is when we recognize men and women the quality of whose minds exceed our own. In that light I write in praise of Robert Huffaker and thank fate that favored me with the opportunity to witness his enrichment of the law and the legal profession. ▲▼▲



Notes from prior meetings showcase the editorial and physical changes made to the Lawyer through the years.



REMEMBERING ROBERT A. HUFFAKER



*Huffaker family get-togethers always include the holidays, birthdays and weddings...*





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*If you can meet with  
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And treat those two  
impostors just the same...  
Yours is the Earth and  
everything in it...*

—Rudyard Kipling



*Norborne Stone, Mark White, Jen Nowell Kelly and Robert Huffaker at the ASB luncheon in 1998 honoring Robert's 15 years of service as editor of The Alabama Lawyer. Mark White was a member of the search committee that recommended Robert take over as editor and Norborne Stone served as president during that first year. Jen Nowell Kelly worked with Robert as the first managing editor of the Lawyer.*

# A Gifted, Ethical Leader

**R**eggie Hamner and I have made mistakes in our respective lives, but 27 years ago, when the two of us selected Robert Huffaker to be the first editor of the revamped *Alabama Lawyer*, we got it right.

The publication today in no way resembles the version once subtitled, “The Official Organ of the State Bar.” When Robert was selected for the job, his first concern, so typical of him, was how to proceed without offending long-time editor **J.O. Sentell**. It was only after Robert was assured that Mr. Sentell supported the plan to modernize the publication and wanted to retire as editor that he agreed to take the job. The reason for the success of the publication today is the result of Robert’s careful and correct guidance for the last 27 years. He constantly sought to find ways to make the publication better and anyone who submitted something for publication knows the rigorous style of editing Robert employed. Whether it was law or “the *Lawyer*,” Robert was determined to perform at the highest level of competence.

In both pursuits, quality mattered much more than headlines.

Every president of the Alabama State Bar for the last 27 years sat for his or her interview with Robert. Like every other task he undertook, he arrived totally prepared and knew exactly what might be unique to that president. He recorded these sessions and then forwarded a transcript for review and editing by the president. I remember only too well his note to me: “Did you mean to say this? Perhaps I misunderstood.” Because he was always civilized and courteous, Robert did not say “this sounds really dumb,” which frankly was absolutely correct. In his quiet and careful way, Robert made us all look better as lawyers and as humans.

These kind descriptions of him do not by any means indicate that he lacked the courage to push the envelope. When an article was submitted challenging the Alabama Appellate Courts to recognize the lack of oral arguments, Robert didn’t even blink. “They need to see how bad the numbers are and realize the lack of



**By J. Mark White**

There was general discussion on the computer article contained in the January issue and it was suggested that precautions should be taken to insure that substantive articles are not used as a means of promoting a product of the author. The Board members were in general agreement, however, that the computer article was well written and beneficial.

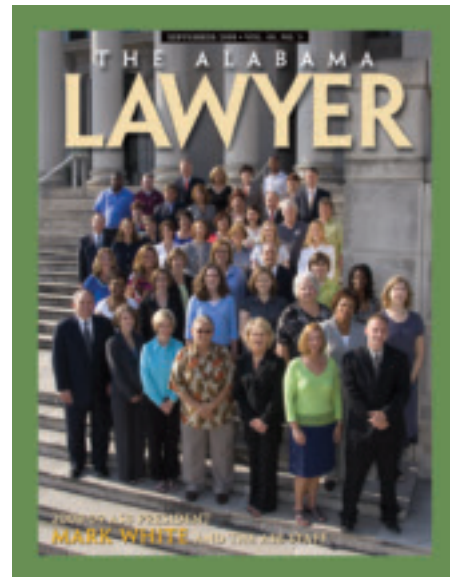
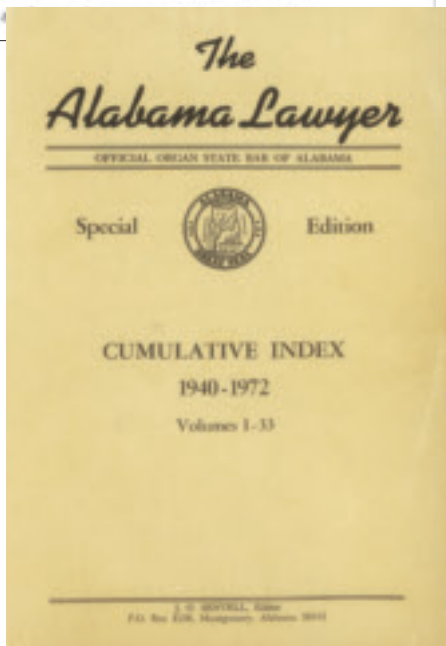
Board member Bernard Harwood suggested that a cumulative index be prepared for past issues of THE ALABAMA LAWYER and that an annual index be included within the November issue. Harwood agreed to contact representatives of the University of Alabama Law School to investigate the possibility of procuring their services or the services of a law student to prepare a cumulative index.

The Board suggested submitting a

opportunity being created for young lawyers,” he said. He wanted the tough issues addressed, whether it was diversity, student debt, rural versus urban issues or the need for more *pro bono* work by Alabama lawyers.

Robert led by example. He was more critical of himself than he ever was of others. When confronted with personal or professional adversity, he displayed the same responsible, ethical, intelligent analysis and always moved forward on a constructive course.

In July, at this year’s annual meeting, I saw Robert on several occasions and our running commentary focused on the golf match that teamed Robert with **Tony McLain** versus **Larry Morris** burdened with **Wade Baxley**. The trash talk prior to the match paled in comparison to that dished out after Tony and Robert delivered a defeat to Morris and Baxley. Wade caught most of the abuse, but



Robert insisted Wade was actually a better golfer and called it a lucky win. The image I can’t shake in my mind is of Robert laughing with his lifelong friend, Wade. None of us ever imagined how quickly after that event our laughter would fade and change to tears.

Throughout victory and defeat, joy and sorrow, Robert remained the same gifted, ethical leader. Although Robert would insist that it is inappropriate and underserved, it is fitting and right for *The Alabama Lawyer* to publish an unprecedented edition devoted to recognizing this particular lawyer—and for the first time in the 27 years of service as editor of *The Alabama Lawyer*, Robert would be wrong. ▲▲

—J. Mark White served as the 2008-2009 president of the Alabama State Bar. He practices with White, Arnold & Dowd in Birmingham.

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# The Very Best



**By Reginald T. Hamner**

**T**he great strength of the Alabama State Bar throughout its history has been its volunteer leaders. From its inception, caring professionals have always come forward, and seemingly, at just the right time. Robert Huffaker was just such a person.

*The Alabama Lawyer*, from its beginning, had been published quarterly in a bound soft cover, much like a law review. It had been edited by Judge Walter B. Jones, a circuit judge in Montgomery, later by Richard Neal, the librarian of the Supreme Court of Alabama and upon his death, J. O. Sentell, the clerk of the Supreme Court. These men did an excellent job chronicling the legal climate in our state.

A state bar committee was charged with a feasibility study to change *The*

*Alabama Lawyer* format, as well as publishing it more frequently. Mr. Sentell was retiring, the bar membership was growing and the law was undergoing significant change. The need for professional information in a meaningful format and for the bar to communicate in a timely manner was becoming increasingly more evident. The committee brought its recommendations to the Board of Commissioners and the new *Alabama Lawyer* was born more than 25 years ago. It has had a single editor during those years.

The bar wanted a bright, scholarly editor who was acknowledged as a superior practitioner. I frequently sought the advice of my classmates when looking for talented lawyers to serve the bar. I recalled my friend and neighbor Nick Braswell fre-

# REMEMBERING ROBERT A. HUFFAKER

quently praising the lawyering skills and legal writing ability of his partner, Robert Huffaker. I was aware of Robert's superior law school record and I never considered an alternate name. I invited Robert to lunch at the Elite to discuss with him the "new *Alabama Lawyer*" and why he was the person the bar needed to become its editor. We had hired a managing editor to produce the publication and Robert was assured of his input on the appointment of

the Board of Editors. Robert had editorial control. For these many years and many editions, I remain eternally grateful that, in his quiet way, Robert said "yes" with no hesitation.

Robert Huffaker and his stewardship of *The Alabama Lawyer* will be forever remembered for the quality record he preserved for the next generation of lawyers. I owe him a personal debt of gratitude for becoming our editor at a time when a

backup plan just wasn't a viable option. We recruited the very best and he unselfishly gave his very best. We all owe Kitty and their family a big thank-you for sharing Robert's extraordinary talents with the Alabama State Bar. ▲▼▲

*—Reginald T. Hamner served as the executive director of the Alabama State Bar for 25 years, from 1969 until 1994.*

*Mary Virginia, Robert, Ann and Matt love spending time with their "Nubbin."*





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J. ANTHONY MCLAIN

## Direct Solicitation of Former and Present Clients

### QUESTION #1:

Under what circumstances may an attorney conduct direct solicitation—via in-person contact or by telephone—for professional employment under Rule 7.3(a), *Alabama Rules of Professional Conduct*?

### ANSWER:

Rule 7.3(a), *Ala. R. Prof. C.*, expressly authorizes an attorney to directly solicit any family member (related by blood or marriage), former client or current client.

### DISCUSSION:

Rule 7.3(a) continues the traditional prohibition against direct solicitation of legal employment. That rule provides in pertinent part the following:

#### Rule 7.3 Direct Contact With Prospective Clients

- (a) A lawyer shall not solicit professional employment from a prospective client with whom the lawyer has no familial or current or prior professional relationship, in person or otherwise, when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain. A lawyer shall not permit employees or agents of the lawyer to solicit on the lawyer's behalf. A lawyer shall not enter into an agreement for or charge or collect a fee for professional employment obtained in violation of this rule. The term "solicit" includes contact in person, by telephone, telegraph, or facsimile transmission, or by other communication directed to a specific recipient and includes contact by any written form of communication directed to a specific recipient and not meeting the requirements of subdivision (b)(2) of this rule.

## OPINIONS OF THE GENERAL COUNSEL Continued from page 467

Direct solicitation is disfavored, in part, because the contact between attorney and prospective client is in private and, therefore, not subject to public scrutiny. As such, the attorney can overreach and “can more readily mix misleading speech with factual statements.”<sup>1</sup> The reason for prohibiting direct solicitation is also discussed in the Comment to Rule 7.3:

There is a potential for abuse inherent in direct solicitation by a lawyer in person or by telephone, telegraph, or facsimile transmission of prospective clients known to need legal services. Direct solicitation subjects the non-lawyer to the private

importuning of a trained advocate, in a direct interpersonal encounter. A prospective client often feels overwhelmed by the situation giving rise to the need for legal services and may have an impaired capacity for reason, judgment, and protective self-interest. Furthermore, the lawyer seeking to be retained is faced with a conflict stemming from the lawyer’s own interest, which may color the advice and representation offered the vulnerable prospect.

The situation is therefore fraught with the possibility of undue influence, intimidation, and overreaching.

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This potential for abuse inherent in direct solicitation of prospective clients justifies some restrictions, particularly since the advertising permitted under Rule 7.2 offers an alternative means of communicating necessary information to those who may be in need of legal services.

Rule 7.3(a), *Ala. R. Prof. C.*, however, expressly exempts from the ban against solicitation those persons with whom the attorney has a familial relationship and/or a current or prior professional relationship.

It is presumed less likely that an attorney would engage in abusive or misleading practices against a person with whom he enjoys a familial relationship. While there is a recent trend to also exclude close personal friends from the prohibition against direct solicitation, the bar has yet to adopt such a provision.<sup>2</sup> Rather, the term “familial” literally denotes a family relationship, by either blood or marriage. It would be exceedingly difficult to enforce a rule that allowed direct solicitation of “close, personal friends.” What constitutes a “close, personal” relationship would be subject to debate and individual interpretation. As such, the Commission believes that a “familial” relationship refers strictly to a family member by blood or marriage.

Current and former clients are also excluded from the prohibition against direct solicitation. Due to their previous

or ongoing interaction with the attorney, current or former clients will have a sufficient basis upon which to judge whether to continue or reactivate a professional relationship with a particular attorney.

It should also be noted that in *In Re Primus*, 436 U.S. 412 (1978), the United States Supreme Court held that the solicitation of prospective clients by nonprofit organizations that engage in litigation as a form of political expression are entitled to First Amendment protection and not subject to disciplinary action under the First Amendment for improper solicitation. In *Primus*, the prospective client was contacted after she had been sterilized as a condition to receiving Medicaid benefits. *Id.* The attorney offered to represent her, free of charge, under the auspices of the American Civil Liberties Union. *Id.* The ban against direct solicitation also may not apply when the attorney is not seeking and will not receive any type of financial benefit from the representation.

To the extent that RO-93-02 opined otherwise or conflicts with this opinion, it is hereby withdrawn.

[RO-2006-01] ▲▼▲

## Endnotes

1. Hazard & Hodes, *The Law of Lawyering*, § 57.3, 4. 3rd Edition (2005).
2. ABA, *Annotated Model Rules of Professional Conduct*, 547, Fifth Edition (2003).



McLain, c. 1998

In the practice of law, few are heralded as a true gentleman lawyer. However, this moniker most aptly described Robert Huffaker. He and I spoke many times about editorial board policy and philosophy. Robert was always willing to give of his valuable time and enormous talent to all issues, both great and small. And I always considered Robert’s word as final—not because he was the editor, but because of the deep respect I had for Robert’s legal acumen and professional approach to all things. To be in his company was an opportunity to observe civility and professionalism at its highest level. And I am thankful for having crossed paths with Robert and having had the chance to learn from him. Lastly, I am told that **Wade Baxley, Larry Morris** and I played Robert’s last round of golf with him at our ASB annual meeting. I will treasure that privileged memory for the rest of my life.

—Tony McLain, Montgomery



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## Legislative Challenges

In a legislative election year, from the adjournment of the legislature in April until the legislator's election in November, legislative issues take a back seat to the pursuit of their election. Incumbents all know they cannot accomplish anything unless they are reelected. New legislators are eager to make a difference and get started. The new electees were sworn in as legislators this month, as soon as their election results were in. The governor and lieutenant governor must wait until January 17, 2011.

Legislatures around the country face new challenges. How these challenges are resolved depends in great part on the legislature's willingness and ability to address the issues. The institution of the legislature has changed. Forty years ago, The Ford Foundation financed a study by the Citizens Conference on State Legislatures of the 50 state legislatures and, as a result, *The Sometimes Governments* by John Burns was published. This book was taken from surveys which sought to evaluate the decision-making capabilities in all 50 states.

# LEGISLATIVE WRAP-UP

Continued from page 471

Each state was asked to report on five basic areas.

## 1. Functionality

How often does the legislature meet? Do they have an agenda? How they use their time? Did they have general-purpose staff with adequate facilities? Do the legislators have offices? How was the legislature managed, including the committee structure? Is there organization and are there procedures to expedite legislation? Is there order and decorum in the legislature?

## 2. Accountability

How are leaders selected and rules established to govern themselves? What kind of access to information does the public have regarding legislative activities, voting deliberation and obtaining of documents? What is the internal accountability of the legislature, including the treatment of minorities?

## 3. Informedness

What is the size, number of committees and availability of the public to committee meetings? Is there work between the sessions? Is there enough time during the session to consider legislation? Are bills summarized? Is there general professional staff with resources and review capabilities?

## 4. Independence

How independent is the legislative process from the executive branch and lobbyists? Did the legislature have oversight capabilities and audit capabilities? Was there a process of handling a conflict of interest of members?

## 5. Representativeness

How diverse is the legislature? Do legislators have access to resources? What are the qualifications and compensation of members?

From this information, the Legislative Evaluation Study considered all of these factors and ranked the states from one to 50, and Alabama ranked 50th.

In response to this study, the Alabama Legislature created a Legislative Reform Study Committee. The Alabama study came forward with 68 recommendations. Most of these recommendations were implemented, including a pre-session orientation conference started in 1974 by the Alabama Law Institute; creation of the Legislative Fiscal Office in 1975; implementation of annual sessions in 1976; reduction of the number of legislative committees; establishment of the Joint Rules of the House and Senate; establishment of the uniform committee rules; publication of notice of committee meetings; implementation of the right for one to request a public hearing; and establishment of committees to have legal counsel and interns. Single-member legislative districts were created, as well as increased legislative compensation for members. Uniform bill formats were established with a summary being placed at the beginning of each bill. Legislators were provided with individual offices, and facilities for the Legislative Fiscal Office, Legislative Reference Service and the Alabama Law Institute were provided. The needed legislative changes in Alabama identified 40 years ago were mostly met.

An article in the August 10, 2010 *State Legislatures* magazine found from the National Conference of State Legislatures review of current state legislatures, that the issues raised in the book, *Sometimes Government*, have now been resolved. The National Conference of State Legislatures found new challenges are now confronting our legislators nationwide.

## 1. Partisanship

The feeling that “we are all in this together” has given way to instability and lack of willingness to negotiate and compromise.

## 2. Ethics

Although most legislators behave ethically, misdeeds of a few members are tarring the entire institution, making the public believe legislators are “for sale to the highest bidder.”

## 3. Deliberation

Top legislative leaders and party caucuses too often bypass or downplay the standing committee process. Partisan considerations have been a detriment to substantive study analysis and deliberation of all sides of the issue.

## 4. Responsibility

The unwillingness of some legislators to make difficult financial decisions because of constituent opposition, the growing tendency of legislatures to put off bills that are not agreed on by the special interest groups, and the practice of not voting against someone’s bill for fear that other legislators will vote against their own bill has become pervasive.

## 5. Public Cynicism

The public’s mistrust of the institutions discourages many qualified people from running for office and promotes the reluctance by legislators to address unpopular, but necessary, issues and encourages simplistic reforms.

## 6. Institutional Commitment

Legislators often pay little attention to the institution of the legislature and distance themselves from it.

The Alabama Legislature, in the 1970s and 1980s, addressed virtually all of its recommendations that were identified 40 years ago.

In his book, *Engines of Democracy*, political scientist Alan Rosenthal discusses the new problems for legislative effectiveness. It was noted that not all states experienced every problem. Certainly there are no easy fixes.

Legislative effectiveness issues identified 40 years ago were quantitatively easy to address, but there are no easy answers to today’s problems. These are not problems that can be resolved with money as structural changes. Each state, depending upon its history, traditions and cultures, will have different answers to these six challenges.

Forty years ago Alabama met its challenges and made improvements. The new Alabama Legislature will be faced with many of the issues identified nationally for state legislatures.

The new legislature will convene in Montgomery January 10, 2011 for a 10-day organizational session to select a speaker of the house of representatives and president pro tem of the senate, establish committees and committee chairs and make the rules it will use for the next four years. ▲▲▲



McCurley, c. 1982

In January 1983, when Robert Huffaker became editor, the first “Legislative Wrap-Up” was included to keep the bar current with legislative happenings. Under his masterful guidance, he made 168 “Legislative Wrap-Up” articles in 168 editions of *The Alabama Lawyer* worth reading. His generous contributions of his time and talents to the legal profession have made the Alabama State Bar journal the institutional memory of the bar. We are fortunate to have had his guidance to give us a prologue to the future.

—Robert L. McCurley, Tuscaloosa

# Alabama State Bar Publications Order Form

The Alabama State Bar is pleased to make available to individual attorneys, firms and bar associations, at cost only, a series of pamphlets on a variety of legal topics of interest to the general public. Below is a current listing of public information pamphlets available for distribution by bar members and local bar associations, under established guidelines.

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## Notices

- **Howard Wayne East**, whose whereabouts are unknown, must answer the Alabama State Bar's formal disciplinary charges within 28 days from the date of this publication or, thereafter, the allegations contained therein shall be deemed admitted and appropriate discipline shall be imposed against him in ASB nos. 09-1539(A) and 09-1664(A) by the Disciplinary Board of the Alabama State Bar.
- Notice is hereby given to **Ray Lynn Huffstutler**, who practiced law in Trussville and whose whereabouts are unknown, that pursuant to the Disciplinary Commission's order to show cause dated May 3, 2010, he has 60 days from the date of this publication to come into compliance with the Mandatory Continuing Legal Education requirements for 2009. Noncompliance with the MCLE requirements shall result in a suspension of his license. [CLE No. 10-696]
- **Richard Leslie Jones**, whose whereabouts are unknown, must answer the Alabama State Bar's formal disciplinary charges within 28 days from the date of this publication or, thereafter, the allegations contained therein shall be deemed admitted and appropriate discipline shall be imposed against him in ASB No. 07-187(A), by the Disciplinary Board of the Alabama State Bar.
- Notice is hereby given to **Joseph Matthew Poe**, who is licensed to practice in Jasper and whose whereabouts are unknown, that pursuant to an order to show cause of the Disciplinary Commission of the Alabama State Bar, dated June 3, 2010, he has 60 days from the date of this publication (November 2010) to come into compliance with the Client Security Fund assessment requirement for 2010. Noncompliance with the Client Security Fund assessment requirement shall result in a suspension of his license. [CSF No. 10-844]
- **Tom Steven Roper**, whose whereabouts are unknown, must answer the Alabama State Bar's formal disciplinary charges within 28 days from the date of this publication, or, thereafter, the charges contained therein shall be deemed admitted and appropriate discipline shall be imposed against him in ASB nos. 09-2362(A) and 09-2738(A) before the Disciplinary Board of the Alabama State Bar.

## Reinstatement

- The Supreme Court of Alabama entered an order reinstating **John Edward Clark, Jr.** to the practice of law in Alabama, effective May 19, 2010. The supreme court's order was based upon the decision of Panel I of the Disciplinary Board of the Alabama State Bar granting Clark's petition for reinstatement. Clark was suspended from the practice of law in Alabama for 18 months, effective February 8, 2008. [Rule 28, Pet. No. 10-137]

## Transfer to Disability Inactive Status

- The Supreme Court of Alabama entered an order adopting the order entered by the Disciplinary Board, Panel I, of the Alabama State Bar transferring Mobile attorney **Tommy Wayne Patterson** to disability inactive status, effective May 5, 2010, pursuant to Rule 27(c), *Alabama Rules of Disciplinary Procedure*. [Rule 27(c), Pet. No. 2010-523]

## Disbarments

- Montgomery attorney **Walter Mark Anderson, IV** was disbarred from the practice of law in Alabama, effective June 24, 2010, by order of the Supreme Court of Alabama. The supreme court entered its order based upon the May 20, 2010 order of Panel I of the Disciplinary Board of the Alabama State Bar.

In ASB No. 08-045(A), Anderson was determined to be guilty of having violated rules 1.3, 1.4(a), 8.1(b), 8.4(a), and 8.4(g), *Alabama Rules of Professional Conduct*. According to the formal charges, Anderson was retained in June 2005 by residents of a subdivision to file a lawsuit against a company for violating the covenants of their subdivision. The suit was later mediated and a settlement agreement was reached by the parties. Anderson failed to secure the mediation agreement in writing. Thereafter, the company began violating the mediation agreement. Anderson subsequently informed his clients that he would have the case against the company reinstated. Anderson then failed to communicate with the clients or take any further action on the clients' behalf as well as respond to repeated requests for information from the bar in this matter.

In ASB No. 08-139(A), Anderson was determined to be guilty of having violated rules 1.15(a), 1.15(b),

8.1(b), 8.4(a), and 8.4(g), *Ala. R. Prof. C*. According to the formal charges, Anderson was retained in 2007 to close a series of real estate loans. Anderson collected approximately \$370,000 in sales proceeds on the client's behalf prior to the suspension of Anderson's law license in October 2007. Specifically, Anderson had collected sales proceeds in May, June and August 2007. Thereafter, the clients had difficulty contacting Anderson and in collecting the sales proceeds. Anderson failed to deliver the sale proceeds to the clients until June 2008. A letter was sent to Anderson in June 2008, requesting that he explain the delay in forwarding the clients' funds. The Office of General Counsel received a one-page fax from Anderson in which he stated that he would be forwarding a written response and related billing records. However, nothing further was ever received from Anderson. As such, a subpoena duces tecum was issued to Anderson requiring him to produce his trust account records to the Office of General Counsel. The subpoena was served on Anderson in June 2008. Anderson failed to comply with the subpoena.

After Anderson failed to file an answer to formal charges filed in each matter, a hearing to determine discipline was conducted on May 18, 2010 by Panel I of the Disciplinary Board. Anderson failed to appear at this hearing. Following the hearing to determine discipline, the board ordered that Anderson be disbarred. [ASB nos. 08-045(A) and 08-139(A)]

- Alabama attorney **Stephen Paul Coleman**, who is also licensed in Florida, was disbarred from the practice of law in Alabama, effective May 28, 2010, by order of the Supreme Court of Alabama. The supreme court entered its order, as reciprocal discipline, pursuant to Rule 25, *Alabama Rules of Disciplinary Procedure*, based upon the December 8, 2005 order of the Supreme Court of Florida, which accepted Coleman's uncontested petition for disciplinary resignation. According to the order, Coleman's disciplinary resignation was "tantamount to

disbarment." On April 30, 2010, Coleman acknowledged that he was subject to disbarment pursuant to Rule 25, *Ala. R. Disc. P.*, and surrendered his license to practice law in Alabama. [Rule 25, Pet. No. 10-505]



- Alabama attorney **Charles William Rasure, Jr.**, who is also licensed in Colorado, was disbarred from the practice of law in Alabama, effective July 19, 2010, by order of the Supreme Court of Alabama. The supreme court entered its order, as reciprocal discipline, pursuant to Rule 25, *Alabama Rules of Disciplinary Procedure*, based upon the May 20, 2009 order of the Supreme Court of Colorado, disbaring Rasure for knowingly converting client funds entrusted to him, a violation of the *Colorado Rules of Professional Conduct*. [Rule 25(a), Pet. No. 10-764]
- On July 19, 2010, the Supreme Court of Alabama adopted the order of the Disciplinary Board of the Alabama State Bar, Panel I, disbaring Birmingham attorney

**Kenneth Jerome Robinson** from the practice of law in Alabama. On June 16, 2010, a hearing was held in the above-referenced matters. Robinson failed or refused to appear. These matters involved violations of rules 1.1, 1.3, 1.4 (a), 1.4(b), 1.5(a), 1.16(d), 3.1, 3.3(a), 3.4(c), 5.3(b), 5.3(c), 5.5(a), 8.1(b), 8.4(a), 8.4(c), 8.4(d), and 8.4(g), *Ala. R. Prof. C.* Robinson's license to practice law had been summarily suspended effective February 28, 2007. [ASB nos. 06-74(A), 06-133(A), 06-185(B), 07-29(A), 07-37(A), 07-61(A), and 07-126(A)]

- Birmingham attorney **John Stewart Davidson** was disbarred from the practice of law in Alabama, effective June 24, 2010, by order of the Supreme Court of Alabama. The supreme court entered its order based upon the May 20, 2010 order of Panel I of the Disciplinary Board of the Alabama State Bar.

In ASB No. 98-179(A), Davidson was determined to be guilty of violating rules 1.4(a), 1.16(d) and 8.1(b), *Ala. R. Prof. C.* According to the formal charges, Davidson was

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# DISCIPLINARY NOTICES

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retained by a client to represent her in a divorce. Thereafter, Davidson failed or refused to communicate with the client and failed to make any refund to the client. Davidson subsequently failed or refused to provide a response to the Office of General Counsel of the Alabama State Bar regarding this matter.

In ASB No. 98-320(A), Davidson was determined to be guilty of violating rules 1.1, 3.3(a), 1.15(a), 8.1(b), 8.4(b), 8.4(c), 8.4(d), and 8.4(g), *Ala. R. Prof. C.* According to the formal charges, Davidson settled a case for a client and failed to deposit the settlement funds into his trust account and to send the client her full share of the settlement funds. Thereafter, Davidson filed a bankruptcy on the client's behalf but did not list the settlement as an asset. The bankruptcy court later discovered the fraud and ordered Davidson to pay over monies from the settlement. Thereafter, the client filed a bar complaint and the matter was referred to the Birmingham Bar Grievance Committee for investigation. Davidson failed to cooperate with the investigation.

Formal charges were filed against Davidson in ASB nos. 98-179(A) and 98-320(A). Davidson failed to file an answer to the formal charges and a default judgment was entered January 18, 2000. An order setting a hearing to determine discipline was sent to Davidson by certified and regular mail at his last known address on January 13, 2010. A hearing to determine discipline was conducted by Panel I of the Disciplinary Board on May 18, 2010. Davidson failed to appear at this hearing. Following the hearing to determine discipline, the board ordered that Davidson be disbarred. [ASB nos. 98-179(A) and 98-320(A)]

- On June 10, 2010, the Supreme Court of Alabama adopted the order of the Alabama State Bar Disciplinary Board, Panel I, disbarring former Andalusia attorney **James Harvey Tipler** from the practice of law in Alabama, effective July 23, 2010. On

June 7, 2010, Tipler surrendered his license to practice law in Alabama. The surrender of license was the result of Tipler's disbarment in the state of Florida, which was effective April 30, 2009. The disbarment in Florida involved several matters that were not related to his disciplinary matters in the state of Alabama. [Rule 25(a), Pet. No. 09-1584]

- Phenix City attorney **Elliot Joseph Vogt** was disbarred from the practice of law in Alabama, effective July 27, 2010, by order of the Supreme Court of Alabama. The supreme court entered its order based upon the June 16, 2010 order of Panel II of the Disciplinary Board of the Alabama State Bar. Vogt was also ordered to make restitution to the complainants in each of these cases.

In ASB No. 09-1140(A), Vogt was determined to be guilty of violating rules 1.3, 1.4(a), 1.16(d), 8.4(a), 8.4(c), and 8.4(g), *Alabama Rules of Professional Conduct*. According to the formal charges, Vogt was retained by a client in March 2008 to complete and file an uncontested divorce for a flat fee of \$550. The complaint for divorce, answer of the defendant and accompanying documents were signed by the client and his wife on or about March 31, 2008. Thereafter, Vogt failed to properly file the matter with the court or take any action on behalf of the client. In addition, Vogt falsely informed the client that the courthouse had lost his divorce papers. Vogt also failed to adequately communicate with the client regarding the status of the matter and failed to return the unearned portion of the legal fee paid by the client.

In ASB No. 09-1867(A), Vogt was determined to be guilty of violating rules 1.3, 1.4(a), 1.4(b), 1.15(a), 8.1(b), 8.4(a), 8.4(c), 8.4(d), and 8.4(g), *Ala. R. Prof. C.* According to the formal charges, Vogt was retained to file suit against a real estate company over defects to a home the client had recently purchased. The client paid Vogt an initial retainer of \$1,500; however, a formal fee



# DISCIPLINARY NOTICES

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opposing counsel in the case and the judge was going to issue a written order in the matter in the next week or so. Subsequently, Vogt e-mailed the client and informed him that the judge had yet to make a decision in the case. Thereafter, the client attempted to contact Vogt on numerous occasions without success. The client later learned that Vogt failed to file anything on his behalf.

A hearing to determine discipline was conducted by Panel II of the Disciplinary Board on June 15, 2010. Vogt failed to appear at this hearing. Following the hearing to determine discipline, the board ordered that Vogt be disbarred. [ASB nos. 09-1140(A), 09-1867(A) and 10-256]

## Suspensions

- On July 22, 2010, the Disciplinary Board of the Alabama State Bar, Panel I, entered an order accepting the conditional guilty plea of Fairfield attorney **Calvin David Biggers**. The commission ordered that Biggers be suspended for 180 days with said suspension being held in abeyance. Biggers was placed on probation for two years, effective the date of the order. In ASB No. 08-186(A), Biggers was guilty of violating Rule 1.15(a), *Ala. R. Prof. C.*, and in the remaining matters he was guilty of violating rules 1.3, 1.4(a) and 1.4(b), *Ala. R. Prof. C.* These matters involved Biggers's mismanagement of his client trust account and his failure to adequately communicate with clients and diligently pursue client matters. [ASB nos. 07-146(A), 07-168(A), 08-47(A), 08-113(A), 08-186(A) 08-219(A), 08-235(A), and 09-1124(A)]
- Birmingham attorney **James Robert Grisham** was interimly suspended from the practice of law in Alabama pursuant to Rule 20(a), *Alabama Rules of Disciplinary Procedure*, by order of the Disciplinary Commission of the Alabama State Bar, effective August 3, 2010. The order was based on a petition filed by the Office of General Counsel evidencing that Grisham's conduct is causing, or is likely to cause, immediate and serious injury to a client or to the public. [Rule 20(a), Pet. No. 10-1088]
- On June 11, 2010, the Supreme Court of Alabama entered an order adopting the order of the Disciplinary Board, Panel I, suspending former Birmingham attorney **Stephen Willis Guthrie** for three years, effective August 6, 2007, the date of Guthrie's summary suspension. Guthrie entered a conditional guilty plea to violations of rules 1.3, 1.4(a), 1.4(b), 1.16(d), and 8.4(g), *Ala. R. Prof. C.*, in six matters, and Rule 1.15(a) in two other, separate matters. Guthrie also agreed to pay restitution to five of the named complainants. In these cases, Guthrie willfully neglected client matters entrusted to him, failed to adequately communicate with his clients and failed to protect his clients' interests upon termination of the representation. Guthrie also failed to properly manage his trust account in that he wrote checks from his trust account that were returned for insufficient funds. [ASB nos. 03-235(A), 07-114(A), 07-135(A), 07-195(A), 08-10(A), 08-76(A), 08-109(A), and 08-183(A)]
- Birmingham attorney **Daryl Patrick Harris** was summarily suspended from the practice of law in Alabama pursuant to rules 8(e) and 20(a), *Alabama Rules of Disciplinary Procedure*, by order of the Disciplinary Commission of the Alabama State Bar, effective August 16, 2010. The order of the Disciplinary Commission was based on a petition filed by the Office of General Counsel evidencing that Harris had failed to pay costs assessed to him by order of the Disciplinary Commission on January 25, 2010, within 30 days of the order or as otherwise allowed, as provided by Rule 8(e), *Ala. R. Disc. P.* [Rule 20(a), Pet. No. 10-1237]

- Birmingham attorney **Kristin E. Johnson** was summarily suspended from the practice of law in Alabama pursuant to rules 8(e) and 20(a), *Alabama Rules of Disciplinary Procedure*, by order of the Disciplinary Commission of the Alabama State Bar, effective August 23, 2010. The order of the Disciplinary Commission was based on a petition filed by the Office of General Counsel evidencing that Johnson had failed to respond to requests for information from a disciplinary authority during the course of a disciplinary investigation. [Rule 20(a), Pet. No. 10-1316]
- Birmingham attorney **Kenya Lavender Marshall** was interimly suspended from the practice of law in Alabama pursuant to Rule 20(a), *Alabama Rules of Disciplinary Procedure*, by order of the Disciplinary Commission of the Alabama State Bar, effective August 3, 2010. The order of the Disciplinary Commission was based on a petition filed by the Office of General Counsel evidencing that Marshall had misappropriated and mismanaged client trust funds and that her continuing conduct is causing, or is likely to cause, immediate and serious injury to a client or the public. [Rule 20(a), Pet. No. 10-1205]
- Birmingham attorney **Emory Keith Mauldin** was suspended from the practice of law in Alabama by order of the Supreme Court of Alabama for 91 days, effective May 5, 2010, the date of Mauldin's previously-ordered summary suspension. The supreme court entered its

order based upon the Disciplinary Commission's acceptance of Mauldin's conditional guilty plea. In ASB No. 09-1711(A), ASB No. 09-2034(A), ASB No. 10-140, ASB No. 10-352, ASB No. 10-391, and ASB No. 10-406, Mauldin admitted that he failed to perform legal work he was retained to perform, failed to properly communicate with his clients, knowingly failed to respond to requests from a disciplinary authority and engaged in conduct that adversely reflected on his fitness to practice law, in violation of the *Alabama Rules of Professional Conduct*. [Rule 20(a), Pet. No. 10-746; ASB nos. 09-1711(A), 09-2034(A), 2010-140, 2010-352, 2010-391, and 2010-406]

- On July 1, 2010, the Supreme Court of Alabama entered an order suspending Montgomery attorney **Christopher Bernard Pitts** from the practice of law for 25 months, effective March 6, 2009, the date of Pitts's interim suspension. On June 11, 2010, Panel I of the Disciplinary Board of the Alabama State Bar entered an order accepting Pitts's previously submitted conditional guilty plea to violations of rules 1.3, 1.15(a), 1.15(b) and 8.1(b), *Ala. R. Prof. C.*, wherein he admitted to improper trust account management, neglect of client matters and failure to adequately communicate with his clients. [ASB nos. 07-234(A), 08-213(A), 09-1385(A), 09-1391(A), and 09-1393(A)]
- Birmingham attorney **Wayne Roy Satterwhite** was suspended from the practice of law in Alabama by order of the Disciplinary Commission of the Alabama



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# DISCIPLINARY NOTICES

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State Bar for 91 days. The Disciplinary Commission ordered that the suspension be held in abeyance and Satterwhite be placed on probation for two years pursuant to Rule 8(h), *Ala. R. Disc. P.* The Disciplinary Commission accepted Satterwhite's conditional guilty plea to a violation of Rule 8.4(g), *Ala. R. Prof. C.* Satterwhite pled guilty to two counts of disorderly conduct in the Birmingham Municipal Court as a result of an altercation between him and a former co-worker. [ASB No. 10-475]

- Florence attorney **Damon Quinn Smith** was suspended from the practice of law in Alabama for 91 days, with said suspension being deferred pending successful completion of a two-year period of probation. Upon successful completion of probation, the suspension will be abated and Smith shall receive a public reprimand with general publication as discipline in this matter. Smith entered a conditional guilty plea admitting that he had failed to diligently represent his client in a bankruptcy matter, failed to communicate with her concerning the matter and failed to keep complete trust account records, violations of rules 1.3, 1.4(a) and 1.15(a) and (e), *Ala. R. Prof. C.* [ASB No. 09-1757(A)] ▲▼▲

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**REMINDER:** Due to space constraints, *The Alabama Lawyer* no longer publishes changes of address unless it relates to the opening of a new firm (not a branch office) or a solo practice.

## About Members

**L. Suzanne Bailey** announces the opening of **L. Suzanne Bailey, Attorney at Law LLC** at 2007 College Ave., Jackson 36545. Phone (251) 246-2426.

**Christie Lyman Dowling** announces the opening of **Lyman Dowling Law** at 2102C Cahaba Rd., Birmingham 35223.

**Ronald S. Flores** announces the opening of **RSF Law Firm** at 900 Bob Wallace Ave., Ste. 112, Huntsville 35801. Phone (256) 513-8414.

**Richard Sanders** announces the formation of **The Sanders Law Firm PC** at 1744 Oxmoor Rd., Birmingham 35209. Phone (205) 930-4289.

**Kristy D. Shelton** announces the opening of **Kristy D. Shelton, Attorney at Law** at 100 Jefferson St., Ste. 200, Huntsville 35801.

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## Among Firms

**Giles Perkins** has joined **Adams & Reese** as special counsel.

**Balch & Bingham LLP** announces that **Derek Brice** has joined the firm.

**Burr & Forman LLP** announces that **Ryan M. Aday** has joined as an associate and **Michael J. Clemmer** has joined as counsel.

**Campbell & Campbell PC** announces that **Rachel H. Pinson** has joined the firm.

**Ely & Isenberg LLC** announces that **Susan Haygood McCurry** has joined the firm.

**Gathings Law** announces that **Charles J. Lorant** and **Vincent F. Saylor** have joined the firm.

**Gault & Hendrix** announces that **Ashley T. Senn** has joined the firm of counsel.

# ABOUT MEMBERS AMONG FIRMS Continued from page 483

**Hand Arendall** announces that **Jonice Vanterpool** has joined as an associate.

**Hardwick, Hause, Segrest & Walding** announces that **Ashton Holmes Ott** has become associated with the firm.

**Haskell Slaughter** announces that **Thomas J. Butler, Staci G. Cornelius** and **Jonathan H. Waller** have become members and **Dara D. Fernandez, Marvis L. Jenkins, Jennifer B. Kimble** and **Paul Z. Rothstein** have become associates.

**Hawkins & Parnell LLP** announces a name change to

**Hawkins Parnell Thackston & Young LLP.**

**Johnston Barton Proctor & Rose LLP** announces that **Michael H. Johnson** has joined as counsel.

**Jones Walker** announces that former Assistant U.S. Attorney **Leigh Lichty Pipkin** has joined as special counsel and **Bradley Byrne** has joined as a partner.

**Tina S. Moon, Rondi A. Mosteller, Ella L. Byrd** and **Shirley D. Howell** (of counsel) announce the formation of **MM&B LLC** in Mobile and Prattville. Phone (334) 361-3340.

**Maynard, Cooper & Gale PC** announces that **Richard J. Davis** has joined as a shareholder.

**Don A. McGriff PC** announces **Walter S. Patton** and **Geraldine S. Lester** have joined as of counsel and **Heather D. Douglas** has joined as an associate.

**Morris, Conchin & King** announces **Joseph D. Aiello** has become a partner and **David J. Hodge** has joined as a partner. The firm is now **Morris, Conchin, King & Hodge.**

**RegionalCare Hospital** announces that former U. S. Attorney **Alice H. Martin** has joined as vice president of ethics and compliance and chief privacy officer.

**Nathan A. Ryan** and **Mitchell S. Ryan** announce the opening of **Ryan & Ryan LLC** at 3300 Woodward Ave., Muscle Shoals 35661. Phone (256) 381-7673.

**Brandon C. Stone** and **D. Jason Britt** announce the opening of **Stone & Britt LLC** at 52 Wisteria Pl., Millbrook 36054. Phone (334) 285-1976.

**Earl P. Underwood, Jr.** and **Kenneth J. Riemer** announce the opening of **Underwood & Riemer PC** in Mobile and Fairhope.

**Susan J. Watterson** and **Fern H. Singer** announce the opening of **Watterson Singer PC** at 2117 Magnolia Ave, Ste. 100, Birmingham 35205.

**Webster, Henry, Lyons, White, Bradwell & Black PC** announces that **J. Bradley Ponder** has joined the firm.

**Frank M. Wilson PC** announces that **Jamie A. Johnston** is of counsel to the firm. ▲▼▲

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30	\$230	\$241	\$339	\$525	\$797	\$1,545	

\$500,000 Level Term Coverage Male, Super Preferred, Non-Tobacco Annual Premium							
AGE:	30	35	40	45	50	55	60
10	\$165	\$165	\$215	\$310	\$495	\$820	\$1,335
15	\$195	\$200	\$255	\$485	\$725	\$1,150	\$1,830
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