

The CUMBERLAND Lawyer

Winter 2009



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From the Dean



It's a new year and a new edition of *The Cumberland Lawyer*. I hope you find the new look and some of the new features of the alumni magazine to be to your liking. We are constantly looking for new and better ways to communicate with you, and these changes are another step in that direction.

This issue focuses on the success of our trial teams, past and present. The impetus for that focus was the unprecedented success of our 2007–08 Trial Advocacy Teams. They were the most successful in school history. When I meet former trial team members at alumni functions, they consistently tell me the impact that their participation on our trial teams has meant for their lawyering skills. In this issue, we highlight some of those exceptional lawyers who were so gracious to share their personal thoughts about their trial team experiences. Our thanks go out not only to them, but to everyone—students, faculty and alumni—who has made our advocacy program such a success. This issue is dedicated to you.

In addition to providing a new look for the alumni magazine, we also are expanding communication in other ways. On the redesigned law school website, you will find my blog and a weekly e-newsletter. The response to both has been tremendous and allows me the opportunity to share more about the day-to-day events of the law school and exciting news about our

alumni. We also have started groups on Facebook and LinkedIn for alumni networking purposes and event notices.

In October, professors Bo Cole, Mike Floyd and I traveled to São Paulo, Brazil. I met many of the contacts Professor Cole made over his past 20 years of travel to Brazil, and professors Cole, Floyd and I each presented papers at an international conference celebrating the 20th anniversary of the Brazilian constitution. The highlight of our trip, however, was attending the first-ever meeting of the Cumberland Club of Brazil. Almost 50 people were in attendance, all graduates of the Master of Comparative Law Program that was featured in the last issue of *The Cumberland Lawyer*. It was great getting to meet and know these graduates, all of whom are shining stars in the judiciary and practicing bar in Brazil. As our alumni base continues to extend across international borders, we hope to engage them more through our online community.

I am confident that our students are receiving the best education they can receive. Our world-class faculty continues to challenge students and contribute to the academic arena. Our state-of-the-art facilities continue to impress the numerous groups the school hosts over the year. Cumberland School of Law stands unwavering in its mission to provide a quality legal education experience. We will always continue to strive to be a place “where good people become exceptional lawyers.”

A handwritten signature in black ink that reads "John L. Carroll". The signature is written in a cursive, flowing style.

John L. Carroll
Dean and Ethel P. Malugen Professor of Law

2 National Champions!

The 2007–08 trial team was the most successful in the law school's history. The team competed against 200 other teams to take first place at the American Association of Justice Student Trial Advocacy Competition.

4 Beyond the Bench

As the judicial world adopts technology into the courtroom, Cumberland School of Law has advanced as well. A look into the school's courtrooms demonstrates how technology is more a part of the classroom now than ever before.

6 Where Are They Now?

Past trial team members from Cumberland School of Law are some of the best lawyers in the field. Some members of the school's most successful teams reflect on their team experience and the impact it made on their careers.

14 Determining the Composition of the Court

With three possible vacancies on the Supreme Court during the next presidential term, President Barack Obama finds himself in a very influential position. Professor William G. Ross reflects on the impact the new president may have on the nation's highest court.

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Trial Team Wins National Championship

Debate coach Mike Rasmussen, second from left, advised the 2007–08 team to “stop acting like lawyers and BE lawyers.” Team members are, from left, Lisha Li, Julie McMakin, Dillon Barker and Anna Smith.

Cumberland School of Law took first place at the American Association of Justice [AAJ] 2008 Student Trial Advocacy Competition [STAC] April 3–6 in West Palm Beach, Fla. The annual nationwide mock-trial competition provides an opportunity for law students to develop and practice their trial advocacy skills before distinguished members of the bar and bench.

The championship team consisted of law students Dillon Barker, Lisha Li, Julie McMakin and Anna Smith.

“I feel blessed to have been part of something that extraordinary. I feel proud to have brought such a prestigious award back to Cumberland, and I feel humbled to know that my teammates and I have become a part of the Cumberland story,” said Barker. “Knowing that Anna, Lisha, Julie and I had a part in continuing Cumberland’s legacy of trial advocacy excellence is immensely satisfying.”


Michael V. Rasmussen, who has coached for the STAC for 17 years, led the team to victory.

“The great thing about being a coach for as long as I have is that I get to meet the next generation of lawyers year after year,” said Rasmussen. “Cumberland attracts great people, and I learn from them as much as they learn from me. I wouldn’t be what I am without the experience.”

The team received its problem right before the 2007 Christmas break. Each member worked on it over the holidays, and team practice began the first week school was in session for the spring. On average, the team practiced 9–12 hours a week.

Last year, more than 200 teams from law schools nationwide competed in 14 regions. Cumberland law school teams placed first and second at regionals, which were held in Montgomery, Ala. In the final round at nationals, Cumberland School of Law drew the defense side and defeated South Texas College of Law. They also beat Florida International University, Suffolk University, Loyola University of Chicago, University of Akron, Drake

University, University of North Carolina, University of California—Los Angeles, Temple University, St. John’s University, University of California—Berkeley, University of Richmond, and Thomas M. Cooley School of Law to garner the national title.

AAJ’s mock-trial cases are civil cases that tend to deal with products liability, personal injury or medical malpractice/negligence issues. The trials are built around a fictitious scenario including pleadings, affidavits, exhibits and other materials. Students perform opening and closing statements, direct- and cross-examinations, and portray witnesses. In each round, students present one side of a civil case. Students from a different institution present the opposing side. Teams are judged on their skills in case preparation, opening statements, use of facts, the examination of lay and expert witnesses, and closing arguments. 

Information was provided by www.justice.org.

2007–08 Trial Team Successes

AAJ Regional Trial Advocacy Competition
First- and second-place teams

Criminal Justice Trial Advocacy Competition
Winner and Best Individual Cross-examination

Lone Star Classic Mock Trial Competition
Winner and Overall Best Advocate

ABA National Arbitration Competition
Regional finalist

ABA National Client Counseling Competition
Regional winner

2008–09 Competitions

2008 Lone Star Classic
Oct. 9–11, 2008
San Antonio, Texas

18th Annual Cathy Bennett National Criminal Trial Competition
Oct. 23–26, 2008
Tampa, Fla.

2008 NITA Tournament of Champions
Oct. 29–Nov. 1, 2008
Baltimore, Md.



Trial team members practice for competition in Cumberland School of Law's Murphee Courtroom.

Buffalo Niagara Mock Trial Competition
Nov. 7–10, 2008
Buffalo, N.Y.

Chief Judge Conrad B. Duberstein Bankruptcy Moot Court Competition
March 14–16, 2009
New York, N.Y.

ABA National Appellate Advocacy Competition
March 12–14, 2009
Miami, Fla.

AAJ 2009 Student Trial Advocacy Competition
Feb. 27–March 1, 2009
Atlanta, Ga.

National Trial Competition
Feb. 20–22, 2009
Tallahassee, Fla.

ABA Representation in Mediation Competition
Dates TBA

ABA Client Counseling Competition
Feb. 7, 2009
Birmingham, Ala.

The law school trial teams garnered many awards for their successes in the 2007–08 competition year.

Four students from Cumberland School of Law were honored with invitations to attend the Tournament of Champions Oct. 29–Nov. 1, 2008, at the University of Maryland. They were selected based on their performance in the Peterson competition held in September.

The tournament is one of the premier law school trial competitions in the nation and is known for its high quality of congeniality and good sportsmanship. Each year, 16 schools are invited based on a three-year performance record at the National Trial Competition and the ATLA National Student Trial Advocacy Competition, and performances at prior Tournaments of Champions.

The first Tournament of Champions took place in 1989 at the University of Akron School of Law. Invitations were based on performance over the years in two open student trial competitions, the National Trial Competition and the ATLA National Student Trial Advocacy Competition. The informal tournament focused on outstanding trial advocacy skills.

In 1995, NITA recognized the outstanding quality of this tournament and chose to sponsor the Tournament of Champions. In 2005, LexisNexis became a cosponsor. ⚖️

Information was provided by www.nita.org.





Beyond the Bench: Courtrooms Use Latest Technology

Students implement SMART Board technology during a jury presentation.

Throughout the year, the law school is buzzing with excitement. The Moot Courtroom, however, is oftentimes one of the quieter rooms in Robinson Hall. When not occupied by a distinguished speaker, trial course, competition, orientation or CLE program, one can usually find students studying within the courtroom's quiet atmosphere.

Classic Doric columns line the serene yellow walls. A portrait of 1890 graduate **Cordell Hull** hangs between the Alabama and the American flags over the majestic red gum bench. Known as the father of the United Nations, Hull served as secretary of state under Franklin D. Roosevelt and was a Nobel Peace Prize winner.

Many other important figures have stood before Hull's portrait in this room. The Cordell Hull Speakers Forum has allowed law students to hear former U.S. Presidents Bill Clinton, George Bush, Ronald Reagan, Jimmy Carter and Gerald Ford, U.S. Attorney General Janet Reno, U.S. Supreme Court Justices Anthony Kennedy and Clarence Thomas, and authors John Grisham and Mark Curriden.

Each year, Judge John Carroll greets more than 150 anxious new law students during orientation in this room, where the students begin to learn how their lives will be drastically challenged over the next few years. As they start a career as law students

and carve out a future for themselves, it is possible that future will bring them back here as a speaker, professor or administrator.

Although one might not realize it from immediate observation, the Moot Courtroom is one of the most technologically advanced rooms in the school. Thanks to the generosity of Bettye and **Cecil Cheves '74**, the Moot Courtroom was renovated in 2002 and designed to give students an educational experience closer to what they would encounter in a true courtroom.

Jennifer Sims '01, assistant dean of admission, attended the law school before the renovation. "When I returned to Cumberland postgraduation, I was amazed at the renovations that had taken place in the Moot Courtroom," she said. "From the seating to the technology, everything was much more advanced and manageable. The current students are very lucky to have access to such facilities."

Advocate desks at the front of the room host connector plates where students can connect laptops, document cameras, microphones and audio equipment. These components send signals to the central control room located in the rear of the courtroom, where an Extron System combines them and projects them on a large, overhead screen that can be

raised and lowered as needed. Audio outputs are mixed through an amplifier and mixer, enabling the use of multiple audio sources.

Signals also can be combined and displayed on a 50-inch plasma television featuring a SMART Board overlay at the front of the courtroom. This feature can be utilized with PowerPoint for a more involving jury presentation. The prosecution and defense can "draw" on the television before the jury to highlight evidence they are presenting, such as a route on a map or evidence at a crime scene.

Jeff Whitcomb, technology services manager for Cumberland School of Law, is responsible for all the technological advancements underway. The central control room houses ECHO, a new system that allows the law school to capture high-quality audio, video and VGA (computer images) inputs digitally and on a schedule.

"Since it is digital, we can upload each session to the Internet, and students can access the trials at any time," Whitcomb said.

Previously, the law school recorded all student trials on VHS tape or DVD disk. However, computer images could not be captured on the media, and someone had to be present to input a new tape or disk once the recording was full. The media of

the trial would then be finalized, cataloged and put on reserve in the library so students could check out the recording for self-critique and review.

“This software is revolutionary,” Whitcomb said. “For students to be able to access their trials or classes online, anywhere and at any time is a huge benefit.”

ECHO was installed in the Moot Courtroom in the summer of 2008. It also was installed in the upstairs Murfee Courtroom and the Trial Courtroom at the rear of the law school.

Named for **Latimer Murfee '21**, the Murfee Courtroom experienced extensive renovations in 2005. Much smaller and less decorative than the Moot Courtroom, the Murfee Courtroom was renovated with efficiency in mind. Located on the third floor of Robinson Hall, the courtroom once was the only passage to get from one end of the building to the other. Now, a hallway runs alongside the entire length of the courtroom, with offices located at either end.

“You wouldn’t recognize the room if you graduated before 2005,” Whitcomb said.

Advanced Trial Advocacy and the admission department use the Murfee Courtroom for curriculum and special seminars, respectively. The Advanced Trial Advocacy curriculum is composed of skill-based classes that are recorded at every class

Renovated in 2002, the Moot Courtroom features a large retractable overhead screen and new ECHO audio and visual recording equipment.



meeting, which allows students to take full advantage of the ECHO System.

A portable, 60-inch plasma television at the front of the room is outfitted with the same SMART Board overlay featured in the Moot Courtroom; however, displays on the television are controlled by students rather than a central control room. A 6-inch touch panel at each advocate desk allows students to select a document camera, computer screen or a VCR/DVD to display on the television. The advocate desks also feature Ethernet, power, computer and audio inputs.

How long does it take students and faculty to learn this new technology? During the third class of each semester, Whitcomb and a designated professor give a technology introduction to the students.

“Students really don’t have any problems picking up the technology usage,” Whitcomb said. “This is the generation that grew up with the Internet, digital cameras, etc. They are very familiar with digital technology.”

Technological expertise is not the top priority in the Trial Courtroom. Located behind the Moot Courtroom, the Trial Courtroom is used mainly for classroom purposes. The furniture is worn, lighting is inadequate, and a large, outdated (and broken) camera is mounted on the upper right wall. While the room features ECHO equipment and a SMART Board, the board is an older model that is built into the wall at an angle and distance that is not conducive for jury viewing.

“Upgrades are definitely needed,” said Whitcomb, who hopes to make the room more centralized and automated with a drop-down screen, such as the one in the Moot Courtroom, and technological updates such as AMX touch screen control systems at the desks.

Throughout the school year, these courtrooms are filled with the incessant sounds of student chatter, case presentations, fierce objections, compelling closing arguments, and faculty and administrative lectures. Though the technology and appearance of each room may change, the lessons and spirit do not. Just as Cordell Hull inspires all who stand before his portrait to strive for greatness, so do the vigor and achievements of the students inspire the law school to provide the best for them. ☺

Whitcomb Looks to the Future



The law school is outfitted with wireless Internet access, and technology is utilized in every classroom setting.

“Technology is always changing, and we try to keep up as best we can,” said Jeff Whitcomb, technology services manager for Cumberland School of Law.

The school is interested in obtaining new software, such as Case Logistics, Trial Director and CaseMap, which are utilized by many law firms today. “The more we can offer our students to equip them in the ways of technology usage in their respective fields, the better,” he said.

Technological updates needed to improve the Cumberland School of Law experience include the following:

- Centralized AMX touch screens in each classroom
- A new SMART Board in the Trial Courtroom
- AMX touch screens in the Trial Courtroom
- A drop-down screen and projector in the Trial Courtroom
- New furniture in the Trial Courtroom
- New software for students

Please contact Associate Dean Jim Lewis at 205-726-2445 if you would like to contribute to the advancement of student facilities. ☺



Where Are They Now?

Trial Team Experience Helps Create Exceptional Lawyers

The following alumni developed their trial advocacy skills by participating in Cumberland School of Law trial teams. These teams gained national recognition and built a legacy of trial advocacy excellence.

How did your trial program experience influence your career?

Elizabeth Dianne Gamble '01
Boardman, Carr, Hutcheson & Bennett, PC
Chelsea, Ala.
2000 ATLA National Trial Team Competition, Champions and Regional Winners

"I chose to practice in firms where I have been able to utilize my organization and litigation skills, which were developed on the national trial team. The most beneficial part of being on the national team was learning from Coach Mike Rasmussen, who taught the team how to tell a persuasive story to a jury. Today, I don't see juries as often; litigation for me involves telling my clients' stories through briefs and motions. Yet, I still draw on the skills developed during my time as a national

trial team member when I argue my clients' positions on paper."

Forrest Latta '83
Burr & Forman
Mobile, Ala.
1983 ATLA National LLP Trial Team Competition, Regional Winners and National Finalists

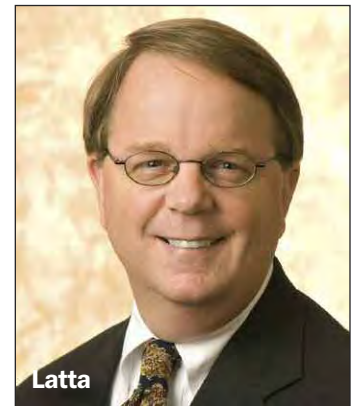
"The national trial team was one of the most formative parts of my law school experience. It shaped nearly everything I have done the last 25 years; it even played a role in who I married and where I work.

"Can you imagine what it would be worth to have an entire year of one-on-one training from a courthouse legend like Judge James O. Haley, Herbert Peterson, Britt Coleman or Leon Ashford? They would demonstrate certain techniques, and then coach us as we worked on perfecting those techniques in our own style. It seemed like the whole law school revolved around trial practice.

"Our local and regional trial competitions were on our home turf in the Jefferson County Courthouse. The teams we competed against were from law schools



Gamble



Latta

from Texas to Georgia. We made it to the finals in Washington, D.C. Our championship round was held in the federal courthouse in front of the late Judge Barrington Parker, one of the nation's first African American federal judges. We were intimidated by Judge Parker because he had a booming voice and a no-nonsense reputation, and his courtroom was huge and packed with people.

"My partner, **Dennis McKinnie '83**, had figured out a twist in the facts of our case that turned out to be a key to winning on the plaintiff's side, but we lost that trial. The judges deducted big points for 'not arguing damages.' They had missed the instructions in which we were prohibited from arguing damages at all! Judge Parker said from the bench that he would have ruled for Cumberland, and the ovation from the other teams spoke louder than words.

"With that experience, there was no way I could NOT have become a courtroom lawyer. The excitement never wore off, and I don't think I will ever forget that year.

"Some of us added up how many total trials we had by graduation day. We calculated over 40. I joined a defense trial firm in Mobile and had my first solo jury trial in less than six months, and many more afterward.

"It is harder now to get trial experience because so few cases go to trial. That is why Cumberland's program is so important. There will always be a need for good trial attorneys. You can spot a Cumberland lawyer in the courtroom. There is a certain level of comfort and preparation, a certain self-confidence, that shows. It is the main ingredient in any successful lawyer."

John Lentine '87
Sheffield Sheffield & Lentine, PC
Birmingham, Ala.

1986 National Moot Court, Regional Quarterfinalists
1986 International Moot Court Team, Southeast Region Best Brief
1987 ABA National Trial Team, Regional Winners and National Quarterfinalists

"In 1984, [Cumberland School of Law] was nationally recognized as leader in teaching trial advocacy as well as producing outstanding trial lawyers, and I wanted to be a trial lawyer. I was very fortunate to be a part of Cumberland's ABA national trial team in 1987. I was equally fortunate to be partnered with **Archie**

Lamb '87 and **Ken Guin, Jr. '87**. We spent countless hours preparing under the tutelage of Judge James O. Haley and Mr. Herbert A. Peterson. Much of who we are lawyers came from the teaching and training of those great men. They taught us not only how to be trial lawyers, but more importantly, how to be good lawyers. They instilled in me the desire to be a part of the Cumberland tradition of teaching and training law students and lawyers to be trial lawyers. In the mid 1990's after Judge Haley had retired, Professor Larry Iannotti took over the trial advocacy program. He asked if I would teach Basic Skills as an adjunct. Nearly 18 years later, I still teach trial advocacy at the law school and as part of the National Criminal Defense College, and in several other trial advocacy programs across the country. Cumberland not only helped make me a trial lawyer, but a teacher of trial lawyers. Cumberland has a long-cherished tradition in trial advocacy and in producing outstanding lawyers. That is Cumberland's contribution to its students of the past, in the present and for those in the future."

Jay Colling '89
Fraxedas Mediation Firm
Maitland, Fla.

1989 ABA Mock Trial Competition, Regional Winners, National Finalists and Best Advocate

"The trial program gave me an early advantage over my colleagues. In my first mock trial competition, my partner and I lost in the first round, due in large part to our opponents being best friends with the student judges. That experience taught me the importance of picking a good jury. My teams didn't lose again until the finals of the Dallas ABA National Mock Trial Competition in a 7-6 decision to Stetson. In the wake of that disappointing defeat, my consolation was twofold: first, the experience of working with a great trial partner, **Bill Farrington '89**, and second, winning the Best Advocate Award at Nationals.

"The reason that we were successful is simple: we worked harder than the other guys. More accurately, Judge Haley

and Professor Peterson worked us harder than the other guys. We practiced three or four hours a night, six nights a week for the month prior to Regionals, and then another couple of weeks to prepare for Nationals.

"By the time I became a 'real' lawyer, I had more than 50 mock trials under my belt, including the National Finals in a Federal courtroom before a jury of 13 Texas state and federal judges. While there's a world of difference between mock trials and the real thing, I felt comfortable in real trials from day one. I spent 18 years as a trial lawyer. Now I mediate full-time, and while sometimes I miss 'being in the arena,' I love being a mediator."

Jeffrey C. Rickard '89
Marsh, Rickard & Bryan, PC
Birmingham, Ala.

1989 ATLA National Trial Team Competition, Regional Winners and National Quarterfinalists

"I came to Cumberland due in large part to the reputation of its trial advocacy program. I enjoyed public speaking, and I wanted a career where I could help people; being a trial lawyer was the perfect fit.

"My roommate and I signed up to participate in the summer Haley

continued on page 8



Competition. We won that competition, and I was hooked. Over the next couple of years, I participated in every trial competition that was offered. During my third year, I was selected as an advocate for Cumberland's ATLA trial team. I studied and practiced under the tutelage of Herbert Peterson and Judge James Haley, who coached us through the regional competition and a victory in the finals over the University of Alabama. Our team advanced to Nationals in Chicago. We advanced to the semifinal round before losing in a very close decision.

"I began my career at the Birmingham plaintiff's civil litigation firm of Pittman, Hooks, Marsh, Dutton & Hollis, P.C. After several years, **David Marsh '81** and I formed what is now Marsh, Rickard & Bryan, P.C. The practice of law has given me the opportunity to learn many things and to travel. I have laughed, cried, celebrated, grieved and labored in a way offered by no other profession. I have become an integral part of the lives of the poor, rich, black, white, young and old.

"My Cumberland education taught me the nuts and bolts of legal reasoning. My experience within the trial advocacy program taught me the courtroom skills of an advocate. I've tried several jury cases, and negotiated, arbitrated or mediated many others. I credit Cumberland as my springboard into a noble profession."

Jim Williams '91
Sirote & Permutt, PC
Birmingham, Ala.

1991 ABA National Mock Trial Competition, Regional Winners, National Finalists and Best Advocate Runner-up

"I've always wanted to be a trial lawyer. I recall watching courtroom scenes on television and in movies as a kid and thinking to myself, 'I'd love to do that; I know I can do that.'"

"I got involved with the trial advocacy program in my first year and entered as many trial competitions as I could. By my third year, I was selected to participate on the ABA national trial advocacy team, along with my incredible partners, **Melanie Slaughter '91** and **Bartley Loftin '91**. We defeated the University of Alabama to win Regionals and advanced to Nationals in Houston, Texas. We went to the national championship final round,

losing by only one vote. The judge who wrote the hypothetical case used for the trial told me after the competition that he thought we were the better team.

"Our success was due in large part to Professor Herbert Peterson, who is one of my favorite teachers of all time. We also received incredible insights into trial tactics and courtroom skills from Judge James Haley and Mike Rasmussen. Melanie, Bartley and I knew that there would not be another team better prepared or more thoroughly coached than ours.

"The experiences in the trial advocacy program gave me the knowledge and confidence that I can try a case—any case—at any time. The first year I began my law practice, I asked my senior partners to allow me to take on some smaller cases so that I could get into the courtroom right away. My partners graciously agreed. That would never have happened but for my experiences with the trial advocacy program."

Has your law school experience contributed to a memorable career event?

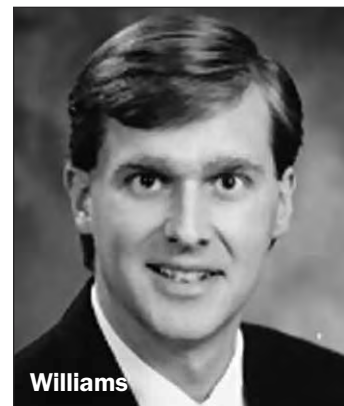
LaBella Alvis '84
Christian & Small, LLP
Birmingham, Ala.

1984 ATLA National Trial Team Competition, Regional Winners Basic Skills Trial Competition, Best Oralist

"I tried one of the biggest cases I will probably ever try less than a year upon passing the Bar. I never could have been comfortable doing so without my Cumberland experience.

"While standing in line to register the fall of 1982, **Glen Martin '84**—a total stranger at the time—asked me to be his trial partner for one of the second-year noncredit trial teams. From that one competition, my goal as a lawyer was defined; I wanted to be a trial lawyer. By the time I graduated, I had tried hundreds of trials, from both plaintiff's and defendant's perspectives. I was fortunate to have Herbert Peterson as coach of the National ATLA trial team where Glenn and I won Regionals and Best Brief at Nationals.

"Less than a year after graduation, I participated in a complex personal injury case defending one of numerous defendants. The case involved three plaintiffs' counsel and about a dozen plaintiffs, one of whom was a young paraplegic boy as a result of an accident. I was fully



equipped not only to work up the case for trial, but to handle some of the fact witnesses as well as the closing statement. What a confidence builder for a young associate! That confidence led to my participation in serious death and injury trials, not only as second chair, but also as lead counsel years before I normally would have been qualified to do so."

How did your training with the trial program prepare you for your legal career?

Kristy McMillan Newton '95
District Attorney of Judicial District 16A,
Hoke and Scotland counties, North Carolina
1995 ATLA National Trial Team Competition, Regional Winners and Best Advocate

"The classroom challenged me to *think* like a lawyer, but Mike Rasmussen and the trial team taught me how to *be* a lawyer. There is quite a difference between an academic discussion presented as a hypothetical in the safety of a classroom and the unpredictability of the courtroom. There really is no substitute in the academic setting for the practical, hands-on lessons learned from participation on the trial team. While a classroom professor may have told me the black-and-white letter of a rule of evidence, Mike Rasmussen

taught me the true meaning of the rule and how to apply it in the real world. Every time I step in front of jury, I hear Mike say, 'Explain it to me like I'm a 6-year-old.' From my first jury trial to the first time I asked a jury to take a man's life for his crimes, Mike's advice has guided me. He taught me to know the facts like you know your own name, speak from the heart with intense passion in a way your audience can understand, carry yourself with dignity, and act with integrity."

Rachel VanNortwick '03

**Lloyd Gray & Whitehead, PC
Birmingham, Ala.**

*2002 William A. Daniel National Invitational Mock Trial Competition, Best Advocate
2002 National Trial Team Competition, Regional Winner
2002 Tournament of Champions*

"I could not have asked to learn from more experienced and talented trial lawyers than trial team coaches Jim Roberts and Mike Rasmussen. Whether I'm arguing a motion or deposing a witness, the techniques I learned as a trial team member assist me in all areas of advocacy.

"Stepping into a court room and arguing before a judge for the first time can be extremely intimidating. The exposure I had as trial team member provided me with confidence to argue my client's position to a judge and jury even when the opposing counsel is much more experienced. While most veteran lawyers are helpful and highly professional, I have encountered some who seize upon the inexperience and timidity of new lawyers, particularly in a deposition setting. My experience on the trial team has given me the courage and confidence to stand my ground to the benefit of my client in those situations."

Robin Beardsley '02

**Sirote & Permutt, PC
Birmingham, Ala.**

*2001 and 2002 Tournament of Champions, Semifinalist
2001 and 2002 ATLA National Trial Team Competition, Regional Finalist*

"First, I learned to feel comfortable in a courtroom. My travels with the Cumberland trial team allowed me to try cases in Nashville, Tenn., Washington D.C., Syracuse, N.Y., and in my hometown of Birmingham. This attribute allowed me to

earn the trust of the partners in my office and afforded greater opportunities to get in the courtroom.

"Second, I learned how to speak and present my case in court. In the past three years, I have worked with the Cumberland trial teams as a coach. One of the points that I always stress is to focus on what you are trying to accomplish with any given argument. Presentation of an organized and reasoned argument helps the court know exactly where you are going and what you want the court to do.

"Finally, I learned the difficult lesson of defeat. I recall spending many hours preparing for trial competitions. After all of that hard work, we had to face the agony of defeat. Often, preparation for cases can involve weeks, months and even years of hard work. The first case as a young lawyer can be heart-wrenching if the outcome is not exactly as expected. The trial program helped me understand that there are two sides to every case, and sometimes, things do not turn out exactly as planned, despite hard work and dedication. Always put forth the extra effort and hard work, because no matter the outcome, it is of utmost importance to always be thoroughly prepared."

Kevin Hayslett '87

**Law Offices of Carlson & Meissner, PA
Clearwater, Fla.**

1987 ATLA National Trial Team Competition, National Champions and Regional Winners

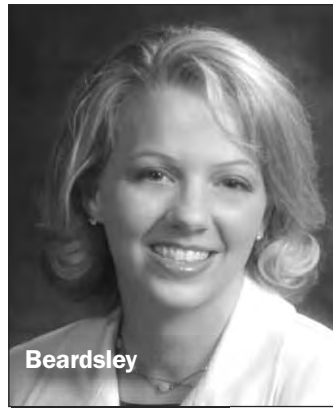
"I began my professional career as an assistant state attorney for the 6th Judicial Circuit of Florida. Since I spent each summer in law school teaching tennis instead of clerking, my only practical experience was as a trial team member. I was thrown immediately into the courtroom



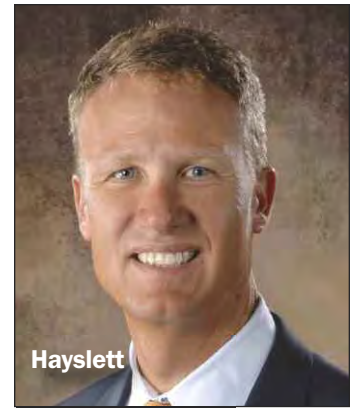
Newton



VanNortwick



Beardsley



Hayslett

to prosecute criminal jury trials.

"Fellow national ATLA trial team member and roommate, **Dan Sleet '87**, started his career at the same time as a prosecutor in neighboring Hillsborough County. In my first year of prosecution, I tried 52 jury trials to verdict, and Dan tried almost as many. The confidence gained as a trial team member enabled us to survive and flourish in those first years as prosecutors. There is no doubt that the many practice direct and cross examinations, as well as closing arguments, made the transition from law student to trial lawyer much smoother.

"Whatever success I have enjoyed benefiting my clients—whether in trial, motions or in dealing with judges and prosecutors—is directly attributable to the long hours spent in mock trials and national team practice. The guidance of Judge Haley, Professor Herb Peterson and Mike Rasmussen left an indelible mark on me and forever shaped me as a lawyer."

How important is the use of technology in your trial practice?

continued on page 10

continued from page 9

Robert Underwood '02
Pete Cobb Edwards & Ragatz, PA
Jacksonville, Fla.

2001 and 2002 ATLA National Trial Team Competition
2001 Tournament of Champions

“As cases become more complex, there is a need to visualize significant portions of proof and testimony. Recreations, animations and multimedia presentations are becoming routine. The use of dedicated, litigation-specific, trial presentation programs is becoming the rule rather than the exception.

“In every trial, I go to court with a notebook computer, portable video projector and portable video screen. I may use a dozen or more video clips during the examination of witnesses in addition to focusing on specific static exhibits. Jurors find these types of presentations more engaging than verbal testimony. Many experts are creating and utilizing animations or recreations in their testimony.

“The demand for technology is also having an effect on the pretrial and motion practice. Judges respond better to multimedia presentations, especially with factually or document-intensive hearings.

“Another tool that is becoming an absolute necessity is Internet access during a trial. The ability to instantly access a case cited by opposing counsel or to locate an order on an issue from another jurisdiction is invaluable. The ability to access Listservs for help from attorneys across the country can be a lifesaver.

“The most important aspect of using technology in trial practice is that it saves time. Jurors and judges expect trials to keep moving; they expect attorneys on both sides to be prepared. Technology helps to shorten preparation time, especially as cases become more complex.”

Ricardo Woods '04
Burr & Forman, LLP
Mobile, Ala.

2003 ATLA National Trial Team Competition

“Technology in the courtroom is an essential part of our practice. Even using a simple slide show or a PowerPoint presentation helps a jury see the picture a lawyer is painting with an argument. Using technology helps to accurately convey a message to the jurors. Learning to integrate technology into my trial presentations while at Cumberland played a vital role in

my comfort level with doing so today. Cumberland’s trial program played a large role in preparing me to use modern trial methods in front of modern-day juries.”

How prepared were you to conduct trials before a jury based on your experience at Cumberland School of Law?

Matt Abbott '00
Abbott & Davis, LLC
Pell City, Ala.

1999 ATLA National Trial Team Competition, Regional Winner
2000 ATLA National Trial Team Competition, National Champions and Regional Winner

“My father was a Cumberland graduate, and having grown up in a law office and taking every opportunity I could to watch and study everyday activity at the courthouse, I always knew I wanted to be a trial lawyer. Cumberland gave me the education, skill and knowledge I needed to walk directly into a courtroom from day one as a practicing attorney. I still get nervous before a big trial or an important hearing, but the trial program taught me how to channel that nervous energy into confidence. That confidence was built through the trial program’s competitions, outstanding coaching, and the constructive criticism offered by fellow classmates and volunteer attorney judges. The skills I learned through the trial program help me every day with depositions, client communication, case evaluation, argument preparation and, most importantly, remembering to stand tall in the courtroom and speak *to* the jury rather than *at* the jury. I attribute any success I may have obtained as a lawyer to the Cumberland trial program.”

Bert Miano '97
Miano Law, PC
Birmingham, Ala.

1997 ATLA National Trial Team Competition, Regional Winners and National Semifinalists
1996 ABA Moot Court Competition, Regional Semifinalist and Best Brief

“Prepare every case as though it’s the only one, because for your client, it is the only one.” That guiding principle, which I learned from some of Cumberland’s master teachers, continues to be my mantra. Learning about the faces behind each of the cases we studied, and particularly my time on the national moot court and trial teams, made my decision to become a trial lawyer almost inevitable.

“From the first day I set foot in a courtroom at Cumberland for competitions as a very nervous 1L, I felt at home. Choosing to participate in those competitions was the single best decision I made as a law student. As I learned, I improved, and I grew more confident with each competition. By the time I graduated, I had tried or argued dozens of cases in front of classmates, lawyers from throughout the state and the country, and judges. When I faced my first real jury on behalf of a real client, I felt like a seasoned veteran. Since graduation, I have litigated everything from traffic tickets to death



Underwood



Woods



Abbott



Miano

cases, have tried individual cases and class actions to juries and judges and arbitrators, have argued before the Alabama Supreme Court and a panel of the Third District Appellate Court in California, prepared dozens of trial and appellate briefs, motions in limine, opening statements and closing arguments; I never once felt like I was doing any of those things for the first time. My experiences at Cumberland gave me the upper hand in meeting the challenge of facing a jury with confidence and credibility.

“Whatever success I’ve had in the courtroom can be traced back to those experiences, those teachers, and those many late-night sessions with Coach Rasmussen and my national trial teammates, who lifted me up when I needed it and kicked me in the rear when I needed that. We steeped ourselves in the facts, developed our theories down to the last nuance, researched the rules of evidence endlessly, and practiced our delivery for hours until we felt ready—and then we started over and did it all again. We always felt like we were a step ahead of the competition, and we were rarely surprised once trial started. It’s a recipe that I’ve continued to try to apply to my practice. Endless preparation and appreciation for the human side of every case—those remain the most valuable lessons I learned at Cumberland.”

David Byrne ’92

**Beasley, Allen, Crow, Methvin, Portis & Miles, PC
Montgomery, Ala.**

1992 ABA National Mock Trial Competition, Regional Winners and National Quarterfinalists

“My experiences with the Cumberland trial advocacy program and the ABA trial team did a great deal to prepare me for real-world courtroom situations. The direction and coaching that I received from Professor Herbert Peterson was a true gift, and I will forever be indebted to him. Upon graduation, I took a job in the Criminal Trials Division of the Attorney General’s office. My experiences at Cumberland gave me the confidence to try cases right away in a number of counties. Had it not been for the instruction that I received at Cumberland, I’m sure that I would have felt overwhelmed by all of the rules, procedures and formalities that come with courtroom work. I constantly apply the lessons that I learned at Cumberland to my trial practice.”

LeRonne Riddick-Seals ’06

**Burr & Forman, LLP
Mobile, Ala.**

2006 ATLA National Trial Team Competition, National Quarterfinalists

“I was coached by Mike Rasmussen and Jim Roberts, and I am a better advocate because of it. Their contrasting but comprehensive and rigorous methods of preparing us for competition handed me one of the most valuable assets from my law school experience: confidence. I don’t have to worry about whether or not what I am doing in front of a jury is effective. That level of comfort, that level of confidence in the skills I gained at Cumberland, frees me to focus on what matters most at trial: compelling advocacy for the client.”

Archie Lamb ’87

**The Lamb Firm, LLC
Birmingham, Ala.**

1987 ATLA National Trial Team Competition, National Champions and Regional Winners

“Working under the tutelage of Judge Haley and Mr. Herbert Peterson was priceless. Both were legends of the Bar. Work ethic, professional ethics, courtroom demeanor and trial strategy creativity within a consistent, personal style were aspects that we integrated into our law practice daily, thanks to the efforts these two outstanding gentlemen.

“The most important lesson I took from Cumberland is that to be successful in the courtroom, you have to be genuine and honest about the strengths and weaknesses of your case. By definition, the traits cannot be fabricated.”

Glenda Cochran ’82

**Cochran and Associates
Birmingham, Ala.**

1982 ATLA National Trial Team Competition, National Champions and Regional Winners

“In September 1982, Bar results were received in Saturday’s mail; there was no Internet. Everyone knew the specific Saturday the results would be delivered. We also knew that receipt of a thick envelope was an indication of failure because an application for re-examination was included. A thin envelope indicated success.

“I waited for the mail in the living room, the front porch, the steps, the courtyard and the corner, finally settling on the lawn across the street, which was on the route the mail carrier would take.

“Knowing that I passed the Bar was critical, because that next Monday, I was scheduled to try a medical malpractice case—solo—before the Honorable Josh Mullins. If I didn’t pass the Bar, I would file a Motion for Continuance over the signature of another attorney in the firm. In those days, continuances were usually freely granted, and Judge Mullins, having been a frequent judge at trial competitions, was aware of my circumstances. Nevertheless, I really did not want to have to implement my back-up plan.

“Because of the quality of the trial program at Cumberland, I was prepared and even eager to try a case the first full day following that fateful Saturday. Thankfully, I never needed to ask Judge Mullins for the continuance. I passed the Bar, and I won that case.” 🍷



Byrne



Riddick-Seals



Lamb



Cochran



Cumberland Community Mediation Center Serves as a Voice of Reason

Law school students participate in a mediation simulation.

Mediation is quickly becoming recognized as a successful tool in dispute resolution. It can reduce heavy case-loads in the courts, reduce overall legal costs and give involved parties empowerment to determine their own resolution.

The growing demand for mediation prompted the establishment of the Cumberland Community Mediation Center [CCMC] in November 2005. Before the CCMC, community members had to wait, sometimes more than six months, for their cases to be heard in court.

“The faculty saw a need to meet and assist the legal community and the community as a whole,” shared Cassandra Adams, director of the CCMC.

With offices located off the Great Room in Robinson Hall, the center offers confidential, cost-free mediation to those seeking dispute resolution of community issues, neighborhood disputes or issues between individuals that would be better serviced through mediation. Attorneys, law students and community members who have been trained in mediation volunteer hours to make these services possible. As of August 2008, the CCMC had a roster of 36 volunteer mediators.

The CCMC mediates disputes between family members, neighbors, friends or roommates. In addition, the center can mediate landlord/tenant disagreements, and consumer/merchant disputes involving services, goods, repairs,

said Adams. Since its inception, the CCMC has accepted more than 100 cases.

“Our goal is for the center to provide mediation services to help resolve disputes between organizations and parties who cannot afford the services of a paid mediator, while greatly expanding the mediation training of our students,” said Dean John Carroll.

Adams and Carroll jointly teach a Mediator Practice course that was created in 2006. Students are trained in all aspects of mediation, and are required to take part in a full simulation and write an agreement within the class. Course enrollment doubled this year due to student demand.

Michael Alfano '08 enrolled in the course his third year at Cumberland

School of Law. "I took the course because the litigation firm I was offered a job with mediates every case before going to trial," he said. "My favorite thing about the course was the practical application provided through simulated mediations or mediation components. The small size [of the class] and the in-depth interaction with Professor Adams were very helpful in learning how to effectively communicate in mediation."

Adams notes that the class is initially a struggle for most students, but "every student brings a gift to the table," she said. Students must shift their thinking from an advocate position to that of a neutral mediator. They must look at issues from both sides and remain neutral. "They just have to hone into their strengths and find ways to use it in their practice," Adams said.

Sherri Britton '08 said that she applied information from the mediation course not only to her other studies, but also to life. "Every potential conflict or concern that arises in life can be mediated," Britton said. "I have learned how to break things down and think about the way in which some things can be changed and how some things cannot be changed."

Students also gain mediation practice outside the classroom by participating in the Samford University Residence Life Mediation Program. Roommate disputes are referred to the CCMC and are mediated by law students.

The CCMC has been well received by Samford and the Birmingham community, and its outreach is extending rapidly. The Jefferson County Family Court has been referring cases to the CCMC since a pilot program was launched in September 2006. Cases submitted for mediation include post-minority support, visitation issues and child support modification.

Volunteers from the CCMC, including alumni, facilitate mediation sessions at the courthouse every Tuesday. In May 2008, the pilot project was expanded to provide mediation services to the Bessemer division each Monday.

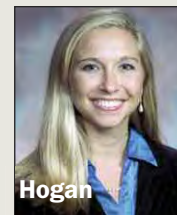
The CCMC continues to give back and serve as a voice of reason for Birmingham and the surrounding communities.

Contact the CMCC at 205-726-4342 or ccmc@samford.edu. ☞

Cassandra Adams, director of the CCMC, conducts mediations through the program and teaches all Cumberland School of Law mediation courses.



Rodney A. Max Establishes Mediation Fellowship at Cumberland



Third-year law student **Haley Hogan** was selected as the first Cumberland School of Law student to be awarded the Rodney Max Mediation

Fellowship. Established by nationally renowned mediator **Rodney A. Max '75**, the fellowship recognizes the interest, achievements and scholarship of Cumberland School of Law students in the area of mediation.

"It is an honor to be named the first Rodney A. Max fellow," said Hogan. "Mediation is an exciting and expanding area of the law, and the fellowship provides an opportunity for hands-on experience and real insight into the field."

Hogan received a \$2,500 fellowship for the 2008 fall semester. She worked under the direction of the director of the Cumberland Community Mediation Center [CCMC]. Her primary responsibilities included managing the Samford Residence Life Mediation Project, co-mediating disputes as assigned by the CCMC director, and researching and writing projects as assigned.

All applicants for the fellowship must have a strong interest in mediation and must have completed the Mediator Practice course at the time of application. Applicants are required to submit a résumé and a statement of interest to the CCMC and the Public Interest Project director. ☞



How Will Obama's Election Affect the Supreme Court?

by William G. Ross

Although the U.S. Supreme Court was not an important issue in the recent presidential campaign, the election of Barack Obama may have significant consequences for the future of American constitutional law. U.S. Supreme Court appointments are among the most important and enduring legacies of presidents, and Obama may have the opportunity to appoint several justices.

Predictions about Supreme Court vacancies are notoriously chancy, but there is a strong possibility that John Paul Stevens, 88, will leave the court during the next presidential term. Some observers of the court predict that Ruth Bader Ginsburg, who is 75 and has health problems, also may soon resign, and that David Souter, 69, is reportedly homesick for New Hampshire and also might go.

The election of Obama may hasten the departure of these justices. All three are considered liberals who may prefer for a Democrat to nominate their successor, even though Stevens and Souter were Republicans at the time of their appointment by Republican presidents. It is not uncommon for justices who want to retire to wait until the election of a president with whom they are politically sympathetic.

Since Obama presumably would replace these justices with other liberals, his election is much less likely to change the ideological composition of the court than would have the election of McCain, which could have provided the court with a solidly conservative majority. Although justices sometimes have frustrated expectations of the president who appointed them, inquiries into the ideology of nominees during the nomination and confirmation processes have reduced considerably the possibility that a liberal nominee would turn conservative on the bench, or vice versa.

The safest prediction is that any nominee will receive intense scrutiny from the Senate, which must consent to a nomination. Tumultuous confirmation hearings have become increasingly common during recent decades, and the Senate now conducts elaborate deliberations even when nominations are not particularly controversial. Indeed, the extensive questioning of nominees at confirmation hearings has become a permanent fixture of the confirmation process and has evolved into a ritual of democracy.

Even if there are no Supreme Court

vacancies during the next four years, Obama will have the opportunity to make many appointments to the lower federal courts, which have an important role in shaping constitutional law.

Even if Obama prefers to make controversial nominations to the Supreme Court and the lower federal courts, political realities are likely to have a moderating influence. Although at least 57 members of the Senate will be Democratic, Republicans are likely to have enough votes to sustain a filibuster, which requires 60 votes for termination. Moreover, a highly controversial nominee could turn public opinion against the administration by feeding fears that Obama has a radical agenda. The incoming president may be particularly anxious to avoid a protracted fight over judicial nominees at a time when so many urgent economic issues require attention.

In an election dominated by a deteriorating economy and anxiety over national security, neither of the major party candidates or their surrogates said much about constitutional issues during the campaign. The Supreme Court came into the national spotlight only once, during the final debate, when both candidates assured voters that they would not impose any "litmus test" for judicial nominations. Both candidates signaled, however, that they would consider carefully a potential nominee's views on abortion. Warning that *Roe v. Wade* "probably hangs in the balance," Obama reiterated his belief that *Roe* was correctly decided and that "the Constitution has a right to privacy in it." Although many judicial experts agree with Obama's assertion that McCain's election could have spelled the end of *Roe*, Obama's victory probably ensures the retention of *Roe*, and may result in an expansion of the court's interpretation of the scope of abortion rights.

In his remarks during the second debate, Obama also declared that he wanted to appoint judges who have "a sense of what real-world folks are going through," and he criticized a recent 5-to-4 decision in which the court narrowly construed the scope of a federal gender discrimination statute. Justices appointed by Obama are likely to take a broad view of the power of state and federal governments to remedy perceived injustices, particularly those involving race and gender. Obama's nominees might make the court more amenable to affirmative action,

which the court during the past two decades has circumscribed in many 5-to-4 decisions.

Federalism is another subject upon which one or more Obama appointments could have a significant impact. The Rehnquist and Roberts courts have issued many decisions that have significantly tilted power from the federal government to the states in cases involving interpretations of the commerce clause and the Tenth and Eleventh Amendments. Many of these cases have been decided by a vote of five to four, and Obama's appointees could begin swinging the pendulum in the opposite direction.

During recent years, the court often has been closely divided in cases involving separation of church and state. The conservative justices frequently obtained narrow majorities for decisions that permit greater interaction between religious institutions and state and federal governments. Obama's justices could alter this balance decisively because Obama's nominees are likely to favor stricter separation.

The election also might result in a change in the professional backgrounds of Supreme Court nominees. Vice President-elect Joseph Biden, who has served on the Senate Judiciary Committee for 35 years, has complained that too few justices have experience as elected officials. Biden believes that such justices would be more in touch with the needs and concerns of ordinary Americans. Although many of the justices appointed during most of the nation's history had served as governors or members of Congress, nearly all of the justices appointed during the past 40 years spent much of their careers in private practice or in academia, and served as lower federal judges before their appointment to the Supreme Court. Biden exclaimed last year that "we have enough professors on the bench. I'd like to see someone who ran for dog catcher." Biden may persuade Obama to nominate justices who have practical political experience.

Whatever occurs during an Obama presidency, court watching should remain as interesting as ever. 🍷



Laughlin Shares His Vision for the Law Library

Greg Laughlin became director of the Lucille Stewart Beeson Law Library in July 2008.

Editor Lauren McCaghren spoke with newly appointed Director of the Lucille Stewart Beeson Library Gregory Laughlin about his hopes to improve library amenities and to continue providing excellent service to library patrons.

In what way does the law library play a role in the work of Cumberland School of Law students and faculty?

The law library is absolutely crucial for a legal education, legal scholarship and lawyers once they graduate from law school. The goal of our library is to put together a collection of core materials that students need to be good legal researchers, which faculty need in doing their scholarship and scholarly research, and which lawyers in the community and alumni need to conduct the work for their practice of law. Law largely is applying legal information to factual circumstances to try to argue for a solution. The library is absolutely crucial for that.

The library is a resource not only for faculty and students, but also alumni. What library services are available to alumni?

We provide a full range of legal information and resources for alumni. They can do case law research, statutory law research and regulatory law research. We have the tools available, and the public service staff is here to help. I'm involved in negotiations to provide citation checking stations for computers in the law library so that the alumni no longer have to pull the Shepard's books off the shelves to do their citation checking. They can just plug in the citation for a case after signing on and receive the history of that case on the computer screen. It should be a much quicker and easier method of checking citations for the materials they are considering using.

Describe the most rewarding part of your job as director of the law library.

I really enjoy the opportunity to provide services to people and meeting their information needs. It's very satisfying to have people come in and have staff able to provide them with the information that they need to solve their problems. Students come in who don't know the first thing about conducting legal research, and the role we play in helping them learn how to do that is very satisfying. It is also satisfying to help faculty members and alumni who have cases or research projects, and to play an important part in helping them solve that problem. In addition, the staff here is absolutely wonderful. They really know their job very well. Professor [Laurel "Becky"] Clapp brought together a great group of people, and it is very satisfying to work with them.

Technology is becoming an integral part in student studies and practice. What technology does the law library feature, and how do students incorporate it into their work?

First, we have subscriptions to Westlaw, LexisNexis, HeinOnline and other

databases that students may use to do their research. Second, Grace Simms of our staff provides troubleshooting for the students with technology issues, as does Jeff Whitcomb in the law school. Third, we are a wireless environment. Students can use their technology to do research and preparation anywhere in the law library. We provide information resources, assistance with the technology and a place for them to use the technology.

The law library advanced a great deal under the direction of Professor Clapp. As the new director, what advancements do you hope to bring in the upcoming years?

The media by which law is conveyed has changed a lot over the last quarter century. More and more lawyers are using online resources to do their research. One of my big goals is to identify those areas where we need to add online database subscriptions so that we can provide a greater range of information, and so students can learn how to use those databases, because that is what they are going to be using for their practice. The other is to make the law library a very welcoming place where students, faculty and alumni can do their work. One of the changes we have made already is to allow food and drink in the law library. We just added vending machines so that beverages and food are available to students right here. Longer term, we are trying to come up with some other ideas—perhaps putting a coffee shop in the library. We may need to replace some of the furniture to make it a more comfortable, welcoming environment. As far as the way the staff relates to the patrons, nothing needs to change there. ☺

Library Hours

Monday–Thursday	7:30 a.m.–12 a.m.
Friday	7:30 a.m.–10 p.m.
Saturday	9 a.m.–10 p.m.
Sunday	1 p.m.–12 a.m.

205-726-2714

Laughlin hopes to make the law library a more comfortable work environment for students and patrons.

Meet Library Director Laughlin

Before coming to Cumberland School of Law, Associate Professor Gregory K. Laughlin served as associate dean for information resources, director of the law library, and associate professor of law at the University of Memphis School of Law from 2000 to 2008. Before that, he was director of the law library and assistant professor of law at Ohio Northern University from 1998 through 2000.

Laughlin earned his B.A. degree in public administration, magna cum laude, from Missouri State University (1982), his J.D., cum laude, from the University of Missouri–Columbia (1986), and his master of science in library and information science from the University of Illinois at Urbana–Champaign (1995). While in law school, he served as managing editor of the *Missouri Law Review* and was selected to the Order of the Coif.

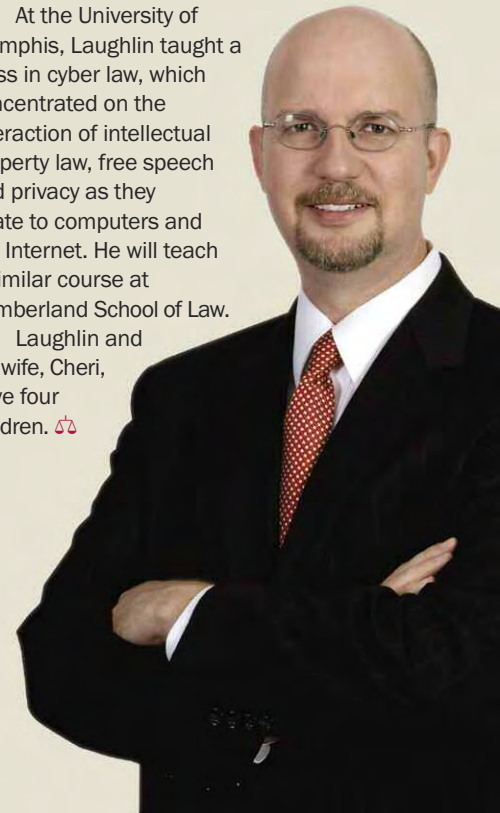
From 1986 to 1994, Laughlin practiced law in St. Louis, Mo., where he practiced in the area of commercial litigation for the firm of Popkin & Stern, and in general practice for the firm of Thurman, Howald, Weber, Bowles & Senkel. Before entering law school, Laughlin was editor of a weekly newspaper in his hometown of Poplar Bluff, Mo.

Laughlin's teaching and research interest is in the area of information access and control as it relates to information technology. His article, "Sex, Lies, and Library Cards: The First Amendment Implications of the Use of Software Filters to Control Access to Internet Pornography

in Public Libraries," 51 *DRAKE L.REV.* 213, 279 (2003), was quoted at length by Justice John Paul Stevens in his dissent in *U.S. v. American Library Ass'n*, 539 U.S. 194 (2003). He also has written articles on faculty ownership of copyright in course-related websites and on the first amendment right of minors as it relates to violent video games. Laughlin has been a frequent presenter in areas related to his research interests.

At the University of Memphis, Laughlin taught a class in cyber law, which concentrated on the interaction of intellectual property law, free speech and privacy as they relate to computers and the Internet. He will teach a similar course at Cumberland School of Law.

Laughlin and his wife, Cheri, have four children. ☺





A Degree of Great Measure

by Damon J. Boiles III '07

Damon Boiles and his wife, Weezie, visit Blickling Hall, a favorite nearby tourist spot at Norwich Law School.

When I began law school, my goal was to practice international law. When I had the opportunity to move to England and study international commercial and business law, the decision was easy.

Professor Charles D. (Bo) Cole, former director of international programs, has made it possible for Cumberland School of Law students to participate in summer study programs in England, Brazil and Canada for many years. In 2006, his efforts in England resulted in a number of scholarships for graduating students to pursue a 12-month Legum Magister (LL.M.) at Norwich Law School at the University of East Anglia. I eagerly applied for a scholarship that fall, and I was honored to be the first recipient of the Sir Edward Coke full tuition Scholarship. My wife, Weezie, and I immediately began arranging our affairs for our year abroad.

Upon arriving in Norwich, we realized what an amazing experience it was going to be to live such a wonderful city. Norwich is two hours northeast of London. Most of the people in the city were English, either residents or tourists from surrounding towns and villages.

Rachel Flaxman, assistant to the dean at Norwich Law School and my initial contact at the university, advised us where to look for accommodation. We found a fully furnished and reasonably priced two-bedroom “terraced house” (townhouse) just inside the road that ran around the city center on the same side as the university. Happily, we were able to pass it along to **John Nelson '08**, one of the next LL.M. students from Cumberland School of Law who also was married and thus unable to take advantage of cheap, university housing.

With two weeks before school orientation, Weezie and I became better acquainted with our surroundings. Norwich is manageable on foot if you live in the city center, but we decided to buy bicycles to make it easier to commute to the university. The bikes allowed us to visit more of the city, and once classes started, I rode my bike every day to the university through rain, wind and snow.

Norwich has the largest Monday-to-Saturday open market in the country, boasting a 900-year history and more than 190 stalls in the city center. We walked to the market nearly every day to visit local

butcher and fresh produce stands. Norwich also is home to an imposing castle and a cathedral with the second-highest spire in England.

There are numerous historical sites in the area, as well as beautiful scenery, but I had to limit my tourism activities when school began. Orientation was the last week of September, and I was eager to begin my studies. I enrolled in International Commercial Arbitration, International Banking, International Sales and Carriage Law, Payments and Finance in International Trade, and International Oil and Gas Law. The curriculum seemed a strong foundation for the practice of international commercial and business law. Upon finishing the year, I felt confident in my exposure and was eager to learn more. I enjoyed all of my classes, and each of my professors was excellent.

The adjunct professor who taught Arbitration also practiced in Egypt and had represented the Egyptian government in a number of arbitrations. A member of the banking team at Mills & Reeve Solicitors taught International Banking. Professor Alastair Mullis, former dean of Norwich Law School, taught the

remaining three courses. He is an accomplished legal author who regularly lectures throughout Europe, Asia and Africa.

As a graduate of an American law school, I was well prepared for the LL.M. program at an English law school. My education gave me an advantage because law is an undergraduate degree in England and most other countries represented in the program. Furthermore, for many of the LL.M. students, English was not their first language. However, all the students in the program were highly educated and extremely intelligent. The program was challenging and rewarding, and I would do it again.

My favorite part of the program was meeting people from throughout the world, and learning about their countries and cultures. During class discussion, I learned about different legal systems and business environments, and how they are affected by religious and cultural beliefs of their respective countries. Outside class, I came to know the people from my program and learned more about their cultures and their personal beliefs. As I became close with a number of my colleagues, I participated in frank discussions, often challenging negative perceptions and stereotypes of Americans.

I built valuable friendships with colleagues from nearly 20 different



The LL.M. in international commercial and business law is taught in Earlham Hall, Norwich Law School.

countries. My wife and I made great efforts to be good ambassadors for both Cumberland School of Law and America. We hosted friends and colleagues from the university for dinner parties and other events. Many of our friends lived in dormitories, and we enjoyed supplying an enjoyable social setting for people to get to know one another. We already have visited many of these lifelong friends at their homes when we traveled in Europe on

weekends and during school holidays.

I highly recommend this program; it was an amazing time, and the cultural and educational experience will assist me in the pursuit of a career in international commercial and business law. 🍷

Damon Boiles '07 is Cumberland School of Law's first graduate from the international exchange LL.M. program at Norwich Law School at the University of East Anglia.

Thomas Gift Keeps on Giving

In the fall of 2005, **David '72** and **Grace Thomas** of Raleigh, N.C., established the David L. and Grace S. Thomas Scholarship in Law to honor their parents, E. W. and Blanche Thomas, and Grace D. and Roy W. Knight, Jr. Three years later, the Thomases approached Vice Dean Jim Lewis about fully endorsing the scholarship.

"Through hard work and dedication, the Thomases have set a high standard for selfless support. We are grateful for their leadership," said Lewis.

As the endowment continues to grow, more students will benefit from the gift each year. The need-based scholarship is available to second- or third-year students from Alabama. Preference is given to graduates of Jacksonville State University [JSU], and residents of Jefferson County, Homewood or Hoover, Ala.

The Thomases met at JSU, where David was an ROTC brigade commander. Cumberland School of Law accepted him,

conditioned upon his graduation from college. The Army viewed this as a conditional acceptance and would not grant an educational deferment for law school. If it had not been for a letter from Dean Arthur Weeks, which confirmed that Thomas' acceptance to the law school was unconditional, Thomas believes he would not have been granted a deferment from active duty.

Thomas borrowed the cost of tuition and expenses from the U.S. Government under the National Defense Scholarship Loan program. He worked as a day laborer for US Pipe and Foundry Company in the summer and drove a school bus for Jefferson County during the school year. Thanks to a recommendation by Professor Claude Bankester, Thomas also utilized his undergraduate accounting degree working for a local CPA.

After graduation, he combined his legal and accounting skills to build a successful career in banking.

The Thomases have served on many boards and associations, and are the recipients of many community awards for their volunteer work.

"Without the support from our parents, the faculty and administrators at Cumberland, and the loans from the NDSL, it would not have been possible to acquire my law degree from Cumberland. Our law school years were definitely a team effort," said Thomas.

Thomas retired from Branch Banking & Trust of North Carolina in 2002. Since then, he and his wife have enjoyed golfing, reading and spending time with their three grandchildren at home and at their lake house at Lake Gaston in North Carolina.

"We are fortunate to be in a position to give some of the benefits back to those who helped us obtain it. Being able to do this in memory of our parents, who revered education, made it even more special to us," said Thomas. 🍷

Letter from Admission



Sims

Cumberland Orientation 2008

kicked off with a Greek-style dinner under a tent on the side lawn. Incoming students and their families enjoyed the

sounds of The Music Caterers and conversation with faculty and the Caruthers Fellows, upper-level students who mentor them throughout their first-year Lawyering and Legal Reasoning Course [LLR].

A busy orientation week followed. Entering students were introduced to all aspects of the law school's administrative offices and were educated about their unique place in the school's history. Graduation for the Class of 2011 will mark the 50th anniversary of Cumberland School of Law's move from Lebanon, Tenn., to Birmingham.

Samford University President Andrew Westmoreland welcomed the first-year students to campus. Cumberland Advisory Board Chair **Robert P. MacKenzie III '84** then presented an uplifting speech in which he explained his pride for the school by highlighting recent accomplishments of its alumni, faculty and students.

During the week, incoming students attended lectures on ethics and professional values, and met in their smaller LLR sections to begin their immersion in the rigorous law school curriculum. Their indoctrination concluded with Public Interest Day. An estimated 115 volunteers spent the day at Brunetta C. Hill Elementary School, landscaping, painting and making other improvements. The law school's Community Service Organization worked with Hands on Birmingham to develop the project.

Thank you to the faculty, alumni and current students who helped recruit this exceptional class. Your participation played a significant role, and I appreciate your support.

Jennifer Sims '01
Assistant Dean for Admission



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1. Incoming students and their families mingle with law school faculty and administrators at a Greek-style dinner.
2. Everyone at the welcome dinner enjoyed music provided by The Music Caterers.
3. Student Bar President Jessica Thomas welcomes incoming students at orientation.
4. Approximately 115 volunteers participated in Cumberland School of Law's Public Service Day at Brunetta C. Hill Elementary School.



3



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Cumberland Welcomes New Admission Staff



Christy Lynn Sherbrook '06

recently joined the admission office as assistant director of admission and recruitment. Before joining the staff, she practiced public entity law with Porter, Porter & Hassinger, P.C. in Birmingham, Ala. During that time, she coached the law school's National Arbitration Team to national placement during the 2006–07 and 2007–08 seasons, and taught an undergraduate evidence course at Miles College.

As a Cumberland School of Law student, Sherbrook served as the research and writing editor of the *American Journal of Trial Advocacy*, was a member of the National Arbitration Team and a Street Law volunteer instructor. She was the Scholar of Merit in Electronic Evidence and Discovery, Real Estate Transactions, and Law Office Practice and Management, published in the *American Journal of Trial Advocacy*. She also won the Nathan Burkan Memorial Competition sponsored by the American Society of Composers, Authors and Publishers.

Sherbrook earned her bachelor's degree in philosophy and English, summa cum laude, from Lewis University in Romeoville, Ill. She earned the Graduating Student of the Year Award in both majors

and was awarded the Bronze Award for Academic Excellence.

Sherbrook lives in Trussville, Ala., with her husband, James, their daughter, Veronica Evans, and two dogs, Skippy and Cleo.



Derrek G. Smith

recently joined the admission office as assistant director of admission and communication. Previously, he was a marketing manager for Southern

Progress Corporation, a subsidiary of Time Warner, Inc. in Birmingham. Before relocating to Alabama, Smith worked in marketing in New York City for Condé Nast and Advanced Publications.

During his tenure in the magazine industry, he helped create, develop and launch several progressive marketing ideas, growing readership and brand extension for several magazine titles.

Smith earned a bachelor's degree in marketing, cum laude, from the University of Maine, where he won Top Senior Capstone Project Honors for his business school class. He spent a year abroad at Griffith University in Queensland, Australia, studying marketing and gaining international perspective. ♪

Class of 2011

The 162 entering students hail from 17 states (45% are out-of-state residents). Thirty-four students received dual degrees in college, and 13 pursued graduate degrees. In all, the entering class received more than 200 degrees before enrolling at Cumberland School of Law.

Top 10 Undergraduate Majors

Accounting
Business management
Economics
Engineering
English
Finance
History
Journalism
Political science
Psychology

Most Unusual Majors

Linguistics
Interior Design

Top 10 Undergraduate Schools

Appalachian State University
Auburn University
Birmingham-Southern College
Middle Tennessee State University
Samford University
University of Alabama
University of Alabama at Birmingham
University of Georgia–Athens
University of Mississippi
University of the South

Farthest from Cumberland

Brigham Young University (Utah)
Bates College (Maine)

Farthest Country of Citizenship

Hungary

Youngest

21

Oldest

38

Most Common Names

Matthew
Kristin

Letter from the Director of Alumni



Miller

We have had a wonderful summer and fall full of alumni events. In June, the law school held its annual Florida Bar reception at the Boca Raton Beach Resort & Spa and had

the best attendance on record. July's Alabama Bar meeting included the law school's annual reception, which had a "South of the Border" theme. More than 110 alumni and friends gathered at the event.

The next morning, **J. Mark White '74** was sworn in as the 2008-09 president of the Alabama State Bar. **Tom Methvin '88** is president-elect of the Alabama State Bar. Having two graduates leading the Alabama State Bar is a testament to the quality of graduates from Cumberland School of Law.

In September and October, donor appreciation dinners were held in Birmingham, Montgomery and Mobile Ala., to thank major donors to the law school. All donors are very important to the law school, and we hope to broaden locations for these dinners in the future.

Fall kept the alumni department very busy with visits or events in Atlanta, Ga., Birmingham, Anniston, Huntsville, Jasper, Mobile and Montgomery, Ala.

Spring is not expected to slow down! Be sure to mark your calendars for Alumni Weekend 2009, which will be held March 27-28 at the Renaissance Ross Bridge Golf Resort and Spa. You should receive a brochure inviting you to this fun-filled weekend soon. The Classes of 1969, 1974, 1979, 1984, 1989, 1994, 1999 and 2004 will be honored, but even if it isn't your reunion year, we would love to have you join us Friday, March 27, for the Alumni Weekend banquet.

Please update the alumni office regularly so we can keep in touch with you. Thank you for all you do for Cumberland School of Law. Alumni like you keep the school great.

Mary T.

Mary T. Miller
Director of Alumni



Young Alumni mingled June 31, 2008, at The Wine Loft in downtown Birmingham. Law school professors and staff joined in the fun and enjoyed catching up with past students.

1. **Jay Stowe '03, Tiffany '03** and **French McMillan '03** spend time with Director of Alumni Mary T. Miller.
2. **Allison Garton '07, Adrienne Thompson '07** and **Stephanie Mays '07** catch up at the event.
3. Assistant Dean for Admission **Jennifer Sims '01** meets with fellow classmate **Harrison E. B. Willis '01**.
4. **Beth Henderson '01**, center, shares a smile with Professor LaVonne Warren, left, and Professor Howard Walthall.

Law School Welcomes McCaghren



Lauren Cantrell McCaghren recently joined the alumni office as the assistant director of alumni relations. A native of Montgomery, Ala., McCaghren graduated from Samford in

2007 with a degree in journalism/mass communication. She was a Samford Ambassador, captain of the Samford dance team, Student Activities Council chair and advertising manager for the *Crimson* newspaper. She also participated in six internships throughout her college career in the fields of public relations, event planning, marketing and advertising.

Upon graduation, she began a career in marketing. She says she is thrilled to be back at Samford serving Cumberland School of Law and its alumni. She assists with all communication within the alumni department and serves as editor of *The Cumberland Lawyer*.

McCaghren resides in Hoover, Ala., with her husband, Chris, her dog, Bailey, and cat, Beeson. 🐾



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At a **Donor Appreciation Dinner** Sept. 15, 2008, at Café Dupont in downtown Birmingham, more than 60 alumni and guests celebrated the generosity of Annual Fund patrons. The evening featured a welcome by **LaBella Alvis '84**, 2007–08 chair of the Annual Fund, and guest speaker **Matt Tynan '09**. Tynan, a graduate of Virginia Polytechnic Institute and State University, is a current student and founder of the Virginia Tech Memorial Scholarship.

1. **Scott Powell '78**, **Mark White '74**, **Dee Miles '89** and **Bob MacKenzie '84** are just some of the Annual Fund patrons who attended the event.

2. Dr. Jeanna Westmoreland, left, welcomes Anne and **Al Shumaker '63**.



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More than 50 Birmingham alumni and staff attended an **alumni event** at The Wine Loft in downtown Birmingham Oct. 23, 2008.

1. **Amber Whillock '08**, **Molly Taylor '08**, **Brooke Malcom '08**, **Travis Keith '08** and **Laura Wallace '08** are recent graduates of the law school.

2. **Annesley '88** and **Ashley DeGaris '99** chat with Professor Bob Goodwin.

Upcoming Alumni Events

Dothan Alumni Dinner, February 19

Huntsville Alumni Reception, February 24

Rascal Day, March 5

Alumni Weekend, March 27–28

Advisory Board Meeting, March 27

Centre Alumni Luncheon, April 1

Nashville Alumni Event, April 16

Montgomery Alumni Luncheon, April 29



Career Services Provides Assistance to Students, Alumni

The Career Services team includes, from left, Anne Morovich, Anna Kinman and Jeff Price.

The Office of Career Services seeks to provide law students and alumni with the training, resources and guidance that will enable them to forge rewarding careers and obtain employment as efficiently as possible. To help achieve these goals, the office has increased its marketing and employer outreach efforts, revised educational and professional programs, and added new resources.

New resources include a comfortable reading room, an updated reference library and a web-based scheduling and database program, Symplicity, that enables efficient management of on-campus interviewing programs, employer résumé collections and job postings. In addition, the staff has compiled a large list of links to online job banks and websites dealing with career-related issues.

Redesigned content and structure of educational programming allows first-year students to build résumé drafting, interviewing and other job search skills. In addition to the Lunch with a Lawyer series (in which practicing attorneys come to campus and discuss the practical aspects of their work), the office has instituted a

professional development program. This program includes presentations on practice-related issues that most law students do not encounter until they graduate. Program topics include discovery disputes, billing and timekeeping, and the difference between practicing law in state court and federal court.

The director and associate director meet regularly with alumni and other employers throughout the Southeast to stay abreast of trends in local legal hiring markets, to discuss ideas for proposed professional development programs, and to establish a network of alumni to advise students who seek work in their communities and practice areas. These visits have yielded numerous job postings for students and alumni.

The Office of Career Services thanks alumni for their invaluable service to the law school and to the office. Many have provided great assistance to students and graduates in the following ways:

- Interviewing students during fall and spring on-campus interview programs
- Posting job openings for law clerks

and/or attorneys in the online job bank

- Interviewing first-year students during the Practice Interview Program each January
- Speaking to students about topics related to law practice and career issues
- Informing the office of current and imminent openings in their organizations and their communities

Most services are available to alumni as well as students. If the staff can be of assistance to you, your firm or organization, please call 205-726-2797.

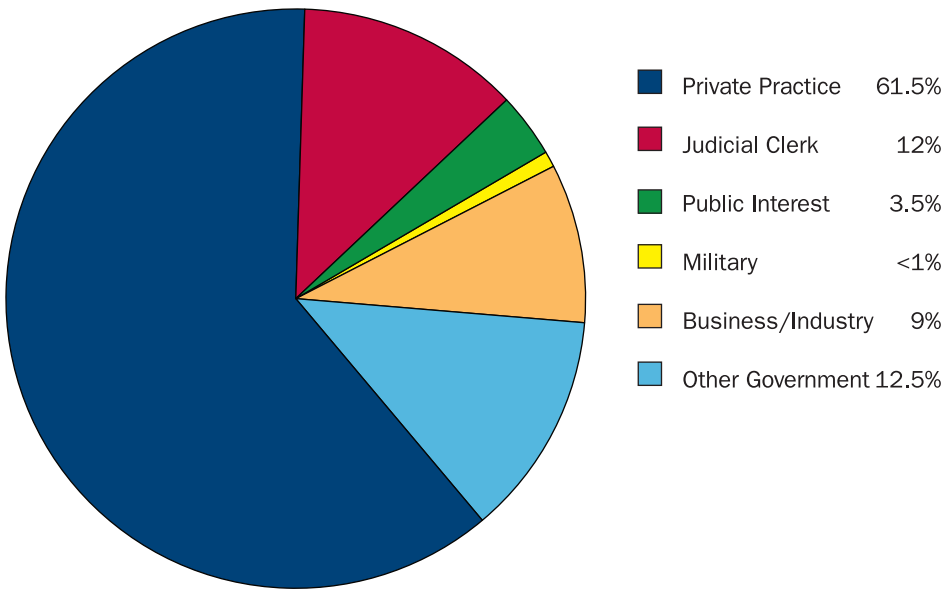
Jeffrey B. Price, J.D.
Director

Anne L. Morovich, J.D.
Associate Director

Anna F. Kinman
Program Assistant 

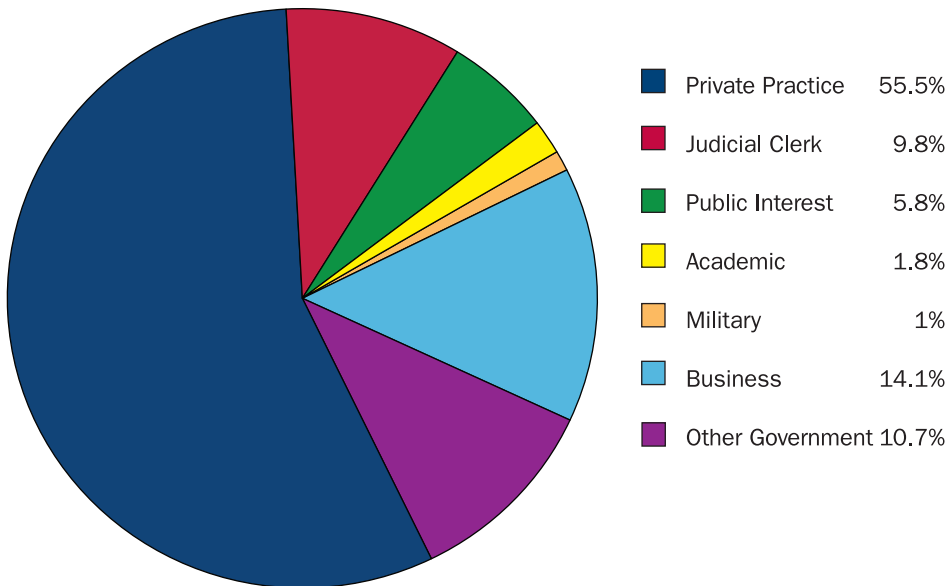
Cumberland School of Law Class of 2007

Initial Employment by Type of Employer as of February 15, 2008
(Represents 99% of the graduating class)



Nationwide Class of 2007 (# of Jobs = 37,123)

Initial Employment by Type of Employer as of February 15, 2008
(The category for unknown employer type, representing 1.3% of jobs, is not shown.)



2008 NALP Class of 2007 Selected Findings

The Office of Career Services annually reports its placement rate, which is the percentage of graduates who are either employed or pursuing a graduate degree (usually an LL.M.) within nine months of graduation. This figure was 95.5% for the Class of 2007. Information for the Class of 2008 will be reported in February 2009.

Meet Associate Director of Career Services Anne Marovich

A native of Chicago, Ill., Anne L. Marovich joined Cumberland School of Law's Office of Career Services in October 2007. She enjoys working with the students in their job search, providing education and information about many various types of legal employers and practices, and meeting alumni across the Southeast. She already has met many alumni in her efforts to expand the school's network on behalf of the students and to assist legal employers in their hiring needs.

Marovich graduated from the University of Illinois with a degree in economics. She graduated from IIT Chicago Kent College of Law in 1993 before practicing law at a plaintiffs' firm. She practiced in Chicago for more than five years. During her second year of practice, she also taught Criminal Law and Legal Terminology to paralegal students at the Chicago College of Commerce. She moved to Birmingham with her husband and two daughters in 2002. In 2005, she resumed a part-time practice from Birmingham for the small firm she left in Chicago. ☺



Faculty and Staff Notes



Adams



Bishop



Brown



Byrd



Connor



Debow



Greene



DiRusso

Cassandra Adams, director of the Cumberland Community Mediation Center, presented "Talk to Me. How To Build Credibility and Trust When Having Difficult Conversations" at the 2008 Equal Justice Works Conference and Career Fair Oct. 10–11 in Washington, D.C. She led a two-day training workshop in Lowndes County (Ala.) on Restorative Justice and Victim Offender conferencing Aug. 22. In early September, she presented an orientation session to train Jefferson County practicing attorneys in the mentoring process. She spoke about strategies in bridging the generational gap when mentoring people from Gen X and Gen Y. She presented "Community Mediation: What It Is and How It Can Benefit Your Practice" at the 2008 Alabama Lawyers Association Annual meeting at Renaissance Ross Bridge Resort Sept. 19–21.

Brad Bishop was a featured speaker at an ABCLE program on "Building a Law Practice" Sept. 14. He was chair and speaker at the Municipal Judges Annual Seminar Oct. 10 and at a Cumberland School of Law CLE program Nov. 14. The 2008 supplement to Professor Bishop's book, *Municipal Courts*, 3rd edition, has been published, and his article, "Emotional Damages in Home Constructions—A Nightmare for Alabama Homebuilders" was accepted for publication.

Roger A. Brown, an attorney with Haskell Slaughter Young & Rediker, LLC, was selected to teach Trial Advocacy during the fall semester. A veteran litigator, he represents corporate and individual clients in the defense of white-collar crime matters, and civil and administrative enforcement matters at federal and state levels. He also assists clients with corporate internal investigations and other

compliance matters. Brown served as a deputy district attorney for Jefferson County (Ala.) for more than 20 years, including 17 years as chief deputy.

William C. "Beau" Byrd II, a partner in the Birmingham office of Bradley Arant Boult Cummings LLP, became an adjunct professor and is teaching Commercial Real Estate Finance. He is active in his firm's Real Estate Practice Group, and the Banking and Financial Services Practice Group. His practice includes all aspects of real estate acquisition, sales, finance and development, including tenants-in-common and 1031 exchanges.

Linda Connor, associate director of the Center for Law and Church, was quoted in a July Associated Press article concerning the church job market. Connor occasionally counsels congregations on legal issues.

Mike Debow spoke to the Greenville, S.C., lawyers' chapter of the Federalist Society on state judicial selection July 16 and to the student chapter of the Federalist Society at Georgia State University Aug. 26. He recently was named to the editorial board of the *Algerian Political Economy Review*.

Brannon Denning, a constitutional law scholar, cowrote with Glenn Reynolds of the University of Tennessee what may be the first article discussing the Supreme Court opinion issued in June concerning the Second Amendment and the right to possess firearms in the home. The paper, "Heller's Future in the Lower Courts," appeared in *Northwestern University Law Review Colloquium* last fall. Denning is one of the nation's leading scholars on the Second Amendment. He also was the

Constitution Day speaker at the University of South Alabama in Mobile. He spoke on "Alabama and the Development of American Constitutional Law."

Alyssa DiRusso traveled to Barcelona, Spain, to present a paper on legal issues relating to small charities early in the summer.

Mike Floyd's book, *Mastering Negotiable Instruments*, was published by Carolina Academic Press. He succeeds **Charles D. "Bo" Cole** as director of international programs. Cole held that position since its inception until his retirement and made it one of the most respected international programs in the country.

Bob Goodwin spoke to Alabama's probate judges at a conference sponsored by the Alabama Law Institute on "Evidence In Estate Matters" Sept. 11 at the University of Alabama School of Law. He discussed evidence issues related to proving wills, probating lost wills, holographic wills and the admissibility of statements from the unavailable witnesses.

Wendy Greene presented "Determining the Indeterminable: An Examination of Determining Race in Brazil for Purposes of Affirmative Action in Higher Education and Racial Determination Cases in the United States" at the joint meeting for the Law and Society, and Canadian Law and Society associations in Montreal, Canada, May 28–June 1, and to the faculty at the William S. Boyd School of Law University of Nevada–Las Vegas. She served as a panelist on critical theory at the Southeastern Association of Law Schools Conference in Palm Beach, Fla., July 27. Her topic was "Race Matters: Applied Critical Whiteness



Debow



Denning



DiRusso



Floyd



Goodwin



Greene



Harmelin



Langum



McCormick



Smolin



Strickland



Walthall



Warren

Theory.” She also presented a book review of Laura Gomez’s *Manifest Destinies: The Making of the Mexican American Race* at an Immigration Law Symposium hosted by Thurgood Marshall School of Law in Houston, Texas, Nov. 7. Greene served as a works in progress commenter for the Northeast People of Color Legal Scholarship Conference in Boston, Mass., Sept. 11–13. The conference was hosted by St. John’s University School of Law. She also presented her work-in progress, “Putting It in Context: Race, Words and Title VII,” at the Third Annual Colloquium on Labor and Employment Law Scholarship in San Diego, Calif., Oct. 24.

Dayna Harmelin joined the faculty as a visiting assistant professor. She is a graduate of the University of Florida and a summa cum laude graduate of the University of Michigan Law School. After graduation, she clerked for a judge on the U.S. Court of Appeals for the Second Circuit and was then an associate with a large law firm in Atlanta, Ga.

Marcia McCormick coedits Workplace Prof Blog, www.examiner.com/x-830-Workplace-Law-Examiner, and teaches and writes on the law of the workplace, among other things. She coauthored an op ed that appeared in *Legal Times* in September on Walmart’s use of captive-audience speeches to encourage its employees not to vote for the Democratic candidate for president. McCormick presented her work-in-progress, “Alternative Agency Models for Antidiscrimination Enforcement,” at the Third Annual Colloquium on Labor and Employment Law Scholarship in San Diego, Calif., Oct. 24.

David Smolin represented the school at the NALSAR University of Law

international conference on children’s rights in Hyderabad, India. The conference brought together scholars, government officials and activists from the United States, India, Australia, the Netherlands and Hungary. He is an internationally recognized expert in the field of children’s rights with particular expertise in inter-country adoptions.

Henry Strickland delivered bar exam review lectures in June for BarBri in Detroit, Mich.; Cleveland, Columbus and Cincinnati, Ohio; Milwaukee, Wis.; Louisville, Ky.; Oklahoma City, Okla.; and Birmingham and Tuscaloosa, Ala. He also put together and spoke on a panel on “Working with Administrative Staff” at the American Bar Association Associate Deans’ Conference in Denver, Colo.

Howard Walthall attended the July meeting of the National Conference of Commissioners on Uniform State Laws, also known as the Uniform Law Commission [ULC]. Walthall is the reporter to a committee drafting a new Business Organizations Act. He participated in the presentation at the

annual Uniform Law Commissioners meeting of a draft of a Business Entities Act the ULC is considering for recommendation to the states. Walthall is the Drafting Committee reporter for that project. He also spoke to the annual meeting of the Alabama Law Institute on the Alabama Business and Nonprofit Entity Code introduced in the Alabama Legislature. He was the primary drafts-person of the code. Walthall attended a workshop sponsored by the National Conference of Commissioners on Uniform State Laws [NCCUSL] in Chicago, Ill., Sept. 21. The workshop was for chairs and reporters of NCCUSL drafting committees. He is reporter for NCCUSL’s Business Entity Act, a project that brings into one statute provisions common to corporations, partnerships, limited liability companies and other forms of business entity.

LaVone Warren made a presentation on marketing for small continuing legal education organizations at the Association for Continuing Legal Education Aug. 2–5 in Vancouver, Canada. 📍

Southeastern Association of Law Schools

Several faculty members were featured at the annual meeting of the Southeastern Association of Law Schools, a regional association of law schools, in Palm Beach, Fla., in July.

- **John Carroll** appeared on a panel discussing federal rules of civil procedure.
- **LaJuana Davis** presented a criminal procedure paper as part of a New Scholars Workshop.
- **Brannon Denning** moderated a panel on faculty scholarship.
- **Mike Floyd** appeared on a panel about law school administration.
- **Wendy Greene** appeared on a panel that discussed new developments in critical theory.
- **David Langum** was part of a panel that discussed the writing of law school histories.
- **Marcia McCormick** moderated a panel on teaching family law. 📍

FOCUS ON FACULTY

Natural Law and Dissent: Davis Chair Smolin Shares His Personal Journey

David Smolin was invested as the Harwell G. Davis Chair Oct. 2, 2008. This is an edited excerpt from his acceptance speech.



I am a very unlikely person to be the holder of this chair. I am the son and grandson of Jews from Eastern Europe. I was raised initially in New York City and then in Cincinnati, Ohio, one side of the family being far-left, secular Jews, and the other side of the family being Orthodox Jews. Throughout my life, it has been a matter of sorting out and being a bridge between different worlds: the worlds of Jews and of Christians, the worlds of the South and the North.

When I was growing up, we as liberal Jews talked about God in our high holy days. But the people I was raised with were really agnostics for the most part. There was an overlay of relativism around sexual morality, even as the family was prized in a certain kind of a way. It was a time of ferment, the 1960's and '70's, a time to experiment for my parents' generation and the people in my area. At the same time, there was this sense of natural law, this abiding sense that some things are right, and that some things are wrong, and that there is an obligation to stand for those things that are right.

The way that this was passed on to me was particularly about the Nazi Holocaust. My grandparents had gotten here just in time; otherwise, I wouldn't exist. I have always been grateful to the United States of America for harboring us. We are those immigrants that were saved; we wouldn't have survived over there. We grew up in a neighborhood with many Jews, some of whom were themselves survivors of the death camps.

I had a friend, Raphael Ornstein, whose mother was Dr. Anna Ornstein, a child psychiatrist at the University of Cincinnati Medical School. I grew up with her Holocaust stories. One that is most vivid was of the moment that she, as a young teenager arrived with her mother, hand-in-hand, at Auschwitz. The person who made the selections at Auschwitz was Dr. Joseph Mengele. He was the angel of death who determined who would live and who would die. As Anna went through the line with her mother, they came to Mengele. He told them to separate, and the mother said, "No, we stay together." Remarkably, this man said, "Ok, you stay together." They went together and they both survived.

I began to ponder the question of what I would do if I was not so much a Jew, because if you're a Jew in such times, you try to survive, but what would I have done if I was a German? What would I have done on the other side, and what kind of people were these? Dr. Ornstein used to tell me that camp guards were sadists, but I couldn't believe that all Germans were sadists; that just didn't make sense. How can a group of people as a whole, including decent people, buy into something that is so wrong, and how do we determine if there are any wrongs like that in our own time?

As a young person growing up, I thought all the problems of the world had been solved. There weren't going to be any more holocausts, the Civil Rights Movement was over; there weren't going to be any great wrongs to deal with. This all seems very naïve today.

In college, I converted to Christianity. This required me to face another set of

wrongs. One thing about growing up Jewish is that you are taught as a liberal Jew a certain take on Christianity, which is not too complimentary. Particularly in Jewish Sunday school, I was taught things that had been done to the Jewish people over centuries by Christians and Gentiles. The thought of becoming a Christian was, aside from questions of belief, a kind of panic-stricken thing to do, because then I would be crossing over, not only becoming a traitor to my people, but joining those who had been a persecutor to my people. At the Jewish Passover, we used to say every year that “with every generation they rise up against us.” There was this notion of vulnerability, which I think Jews very much share to this day, in relationship to the wider world, in particular, the Christian world.

As I decided which branch of Christianity to join, I was offered branches that had an interpretation of history that said, “When the church started for the first 200–300 years, it was pretty good. Then everything in that middle part is not Christianity. We can jump ahead to 1600, where it starts again, and then you don’t have to worry about those Middle Age things. This is not your problem.” That would be the easy way out. If I’m going to be Christian, I’m going to have to say that all of this history is my history. It doesn’t mean that these were good things to do, but it means that it is something that is no longer their problem, but is my problem. Again, I faced this question of how can groups of people become socialized into doing such terrible things? How is that possible across time? Again, I faced the challenge of what am I going to work on?

So I became a law student, became a law professor pretty quickly, at a young age. I decided that the first topic that I was going to work on was the abortion question. The abortion question is still very divisive today, and we’re not going to get the same agreement on it as we would on historical matters like the Holocaust, slavery or the Civil Rights Movement. Things in our own time are much more difficult to judge.

One of the things that fascinated me in looking at the abortion issue is which historical parallels, if any, are correct? As a Presbyterian, it was shocking to study the history of how racism and slavery and the wrong side of the Civil Rights Movement had been justified by natural law and by religion. One of the things I really looked

at was the statement of the Southern Presbyterian Church of 1861 on slavery, which stated: “We cannot forbear to say . . . that the general operation of the system is kindly and benevolent; [Slavery] is a real and effective discipline, and without it, we are profoundly persuaded that the African race in the midst of us can never be elevated in the scale of being. As long as that race, in its comparative degradation, coexists side by side with the white, bondage is its normal condition.”

How could my now brother Southern Presbyterians have been so misguided about race, about God’s will, about the natural order of things? How could they have been so deluded? This is something that I very much struggled with and I still struggle with to this day. One of the things I very quickly concluded was that good people, Godly people, can be socialized to make great mistakes. It’s not just a few monsters like Joseph Mengele at Auschwitz; it can be whole systems that go wrong and run astray.

I titled this talk Natural Law and Dissent because so often, natural law is about the question of which kind of morality should be imposed on other people, or as a justification for morality and the law in a majoritarian sense. What really fascinates me about natural law is the opportunity it gives to dissent from practices, from mores in one’s own time that are wrong.

Natural law gives a ground to stand on. Look at the “Letter from the Birmingham Jail” by Dr. Martin Luther King, Jr. When he is challenged with the fact that the Birmingham campaign is breaking the law, King quotes Augustine and Aquinas for the propositions that an unjust law is no law at all, and that a law incompatible with the natural law and the moral law is an unjust law. His foundation for challenging the segregation of his day is something outside the mores of his day. He is able to stand upon natural law and God’s law. That is very important to do, because one of the difficult things that actually happens when you have a systematic set of wrongs is both the oppressor and the oppressed, to a remarkable degree, can buy into this.

One thing that I’m working on now is the question of contemporary slavery and trafficking issues. Slavery is illegal everywhere, but it still exists with an estimated 27 million slaves worldwide. Kevin Bales, a contemporary abolitionist,

interviewed a bonded laborer in Northern India who said this:

“We have always lived here. I do not know about before my grandfather, but he said we have always lived here. My grandfather was a plowman to the landlord, and later my father was also his plowman. They were both bonded by debt, my father by his father’s debt; I don’t know about my grandfather’s debt. It’s a regular thing. Kol people like us have always been bonded to Brahmins like my master. That’s the way it has always been around here.” [*Understanding Global Slavery*, pg. 33]

The slaveholder, the landowner, said this:

“Of course I have bonded laborers: I am a landlord. I keep them and their families and they work for me. When they aren’t in the fields, I have them doing the household work: washing clothes, cooking, cleaning, making repairs, everything. After all, they are from the Kol caste; that’s what they do, work for Vasyas [people of a higher caste] like me. I give them food and a little land to work. . . . Anyway, they’re doing fine. [W]ith the grain I give them and the land they are getting a lot more than the official farm labor rate of 67 rupees a day [about \$1.60 per day]. I don’t mind giving them so much, because, since I’m a Labor Department official, I don’t have to pay bribes to anyone.” [Id.]

There is the same kind of mentality we saw with the Southern Presbyterian statement on slavery: They naturally are enslaved to us because that’s who we are; that’s who they are.

Both sides of the abortion debate have analogized to civil rights and slavery. The idea on the pro-life side is essentially that the unborn child is a human being, and as a human being, has a right to live. Even though there might be difficulties created by that life, there is certainly not a right as a matter of elective abortion to take the life of another human being. The unborn child is genetically distinct from the mother, is half the time a different gender and is clearly a different person.

continued on page 30

If I were to put the argument on the other side, I would say that to force a woman to go forward with a pregnancy is to control her body and her choices in a way analogous to slavery. The fetus is within her, and her life course will be profoundly affected.

As I have worked on adoption, I have

tried to apply a natural law perspective that honored all members of the adoption triad—the original family, child and adoptive family. The irony is that pro-life advocates who argue that it is unnatural for a woman to abort her baby usually miss how unnatural it could be for a woman to relinquish her baby forever and become, in law and social practice, a nonmother, a legal stranger in relationship to her child.

Ironically, there is a similarity between the narratives of women who regret their abortion and adoption decisions. Both narratives involve a vulnerable, single young woman pressured by those around her—the boyfriend, parents, others—into a decision she can never change or undo. If you cannot undo the motherhood of a woman with an abortion, you also cannot undo her motherhood with a relinquishment. While I believe that there are children whose original parents cannot provide day-to-day care for them, and who need the day-to-day love of a family, I am seeking to understand how we might construct an adoption system compatible with the human dignity of all concerned, which is to say, compatible with natural law.

When we look back at the past, or when we look over to India, we can very easily say, “well, this landowner is just out of line.” We can look back and say that the Southern Presbyterian Church was just out of line. The more difficult thing within our own time is to look at the things we are involved with and to read the natural law.

That is the task.

The task is to discern, for such fundamental questions, what is really right and what is really wrong. Even the agnostic, sometimes relativist community of my childhood believed that there was, as to the big ethical questions, a right and wrong. I think that is because natural law is true. The idea of natural law is that there is, implanted in human reason and human conscience, a sense of right and wrong that has been given to us by God or by nature. That sense can be distorted. There is a bit of debate as to how accessible it is without revelation. Even the Catechism of the Catholic Church makes clear that our capacity to discern natural law can be distorted by sin. The fact that people misinterpret natural law doesn't mean that it doesn't exist. The task remains. We've got to figure out what is right and what is wrong in our own time. ☪

Estate Gift Funds Davis Chair in Law School



Judge John Carroll, left, Samford President Andrew Westmoreland, right, and chair recipient David Smolin, second from right, welcome Betty Davis Eshelman's children, Bill Eshelman '69 and Vail Eshelman Jeavons, to Smolin's investiture.

A gift from the estate of Samford University alumna Elizabeth (Betty) Davis Eshelman has endowed a new faculty chair in Samford's Cumberland School of Law. The Harwell G. Davis Chair is named for Eshelman's late father, Samford's president from 1939 to 1958. Major Davis was instrumental in the relocation of the university from the East Lake area of Birmingham to the present campus in suburban Homewood.

Eshelman graduated from then-Howard College in 1944 and graduated from Cumberland in 1964. She died in 2007, and the university recently received a disbursement from her estate to fund the endowed chair for the teaching of constitutional law.

David Smolin, professor of law since 1987, was elected by Samford's board of trustees to fill the new position effective Oct. 1.

Eshelman established the chair in 2000 with the understanding that a trust

from her estate would provide the funding after her death. She received income from that trust during her lifetime, according to Stan Davis, Samford's director of gift and estate planning.

“Betty Eshelman's love for her alma mater was evident throughout her life, but she wanted to ensure that she provided for Samford even after her death,” Davis said. “As an attorney, she understood the importance of making sure that her estate would be distributed according to her wishes. As a result of her careful planning, she was able to live comfortably until her death, and now, Samford law students will benefit from her generosity for generations to come.”

Davis noted that Eshelman also was a strong supporter of Samford during her lifetime, with gifts to scholarships and capital projects. She was a life member of the Samford University Auxiliary. ☪



Adams Combines Law Study with Playing Volleyball in 'A Dream Come True'

Cumberland School of Law administrators did not know everything Ashley Adams was bringing to Samford when she was accepted as a first-year law student.

After finishing her undergraduate degree in three years, Adams transferred to Samford to continue her education at law school and found herself playing volleyball for the Samford Bulldogs as senior outside hitter. She was an integral part of the team's success in 2008.

The 2008 Bulldogs hold the best record in school history (22-3). Adams was named Southern Conference Volleyball Player of the Year in addition to being named Player of the Week three times in the season, the most for a Bulldog in the program's history. She also ranked among the nation's best in kills per set and hitting percentage, and led the conference in kills throughout the season.

"I'm enjoying volleyball again. It's great to be back on the floor," said Adams. "It's like a dream come true. I couldn't have planned it better."

Adams had a very successful career on the volleyball team at Middle Tennessee State University. As a junior, she helped lead the Blue Raiders to a Sweet 16 appearance in the 2007 NCAA Volleyball Tournament.

After transferring to Samford, Adams approached the volleyball program about playing her last year of

eligibility and was immediately welcomed to the team by Coach Derek Schroeder.

"When Ashley is on, she terminates rallies and is probably the most dominant offensive threat in the conference," Schroeder said.

Adams said everyone has been more than accommodating as she juggled the high-pressure demands of law school and volleyball. The volleyball staff went out of their way to get her to tournaments and games when she had to stay late for Friday classes. She said her professors and the dean offered to help whenever needed.

"At first, I was scared to tell my professors that I was playing volleyball because I didn't want them to think I wasn't taking law school seriously," Adams said. "But they have been so supportive. The dean even said he would e-mail people to get them to come to games."

The future lawyer says she is thinking about concentrating on sports law.

"I'm leaning toward sports law and working with the NCAA in compliance. I don't think I'm ever going to be able to get away from sports," Adams said. "You can't just play sports your whole life and then just stop. I think I will be involved with sports and athletes forever." 🍀

Class Notes

Through Oct. 31, 2008



Baker



Beers



Camp



Clark



Davis



Kroeger



Lane



Leopold

1948

Burkett McInturff was featured in the Sept. 4 issue of *Kingsport Times News*. He has practiced law in Northeast Tennessee for more than 50 years.

1958

Ray Corns was named associate commissioner of the Kentucky Department of Education's Office of Legal, Legislative and Communications Services. He served most recently with Retired Judges Mediation and Arbitration Services. He also has served as Franklin County District Court judge, special circuit judge, assistant state treasurer, Kentucky public advocate, secretary of the Kentucky Justice Cabinet, commissioner of the Kentucky State Police, commonwealth attorney and assistant state attorney general.

George H. Pierce of Starke, Fla., was the city's first attorney and is a former county judge. He is now the city's magistrate. He will take on the duties of the city's former code enforcement board, which meets monthly to hear cases and render judgment.

1970

Roger A. Brown, an attorney with Haskell Slaughter Young & Rediker, LLC, taught Trial Advocacy during the fall at Cumberland School of Law, a course the veteran litigator has taught for a number of years. He represents corporate and individual clients in the defense of white-collar crime matters, and civil and administrative enforcement matters at federal and state levels. He also assists clients with corporate internal investigations and other compliance matters. He served as a deputy district attorney for Jefferson County, Ala., for more than 20 years, including 17 years as chief deputy.

1973

Doug Fox was named chairman of the Board of Directors for the National Alcohol Beverage Control Association. He is also chairman of the North Carolina Alcoholic Beverage Control Commission. He was the cover story of the May 2008 issue of *State Ways*, the association's national magazine.

Douglas L. McWhorter is an attorney with Dominick, Fletcher, P.A., in Birmingham. He and his wife, Carolyn, have two daughters.

1974

Julian Mann was named to the North Carolina Bar Association Board of Governors.

Scott Price, vice president and general counsel for Eller & Olsen Stone Co., Inc., in Nashville, Tenn., is president and chairman of the board for the Spina Bifida Foundation in Washington, D.C.

James Robinson cohosted a breakfast for students with the Career Services Office Sept. 8.

W. Lee Thuston of Burr & Foreman, LLP, was named president of the Alabama Wildlife Federation for the 2008-09 term. He also was named to the Class XIX roster of Leadership Alabama. Each fall, around 50 leaders from the state are selected to participate in the nine-month program to discuss how to help or solve a variety of issues.

Mark White, a founding partner of Birmingham law firm White Arnold & Dowd, PC, was elected president of the Alabama State Bar.

1976

Charlie Waldrep of Waldrep Stewart & Kendrick, LLC, recently was presented a certificate of appreciation by Gov. Bob Riley for his volunteer contributions and community service. Waldrep most recently created the nation's first Ovarian Cancer research license plate. He was motivated to contribute to this cause after losing his 24-year-old daughter, Brittany, to ovarian cancer.

1977

John M. Bolton III joined the law firm of Hill, Hill, Carter, Franco, Cole & Black, P.C., as a shareholder. He has practiced for more than 30 years and concentrates on game law, commercial and civil litigation, and insurance defense.

Stephen C. Sawicki is a director and Distinguished Fellow of the American College of Civil Trial Mediators, a non-profit association comprised of leading mediators throughout the United States. He practices in Orlando, Fla., and is a frequent lecturer and author on alternative dispute resolution and mediation practice.

1978

Jack Cox was appointed by Florida Gov. **Charlie Crist '81** to be circuit judge on the 15th Florida Judicial Circuit in the Palm Beach area.

C. Gray Johnsey, a longtime member in the firm of White & Allen, P.A., was selected for inclusion in *The Best Lawyers in America* in the Trusts and Estates specialty.

Joseph A. Lane was selected for inclusion in *The Best Lawyers in America* in the areas of Commercial Litigation and Construction Law.



Moletteire

Nixon

Owens

Stafford

Underwood

Watters

Katherine May-Fowler, an artist in Fairhope, Ala., had her works featured in The Lyons Share Gallery in August. Her works are primarily figurative oil paintings on linen. One of her paintings appeared on the cover of *Mobile Bay Monthly* magazine, and one of her works was selected to appear in the book, *Fairhope and the Eastern Shore: A Painter's Paradise*.

1979

Doug Jones was the first "Called to the Bar" speaker for the 2008–09 academic year at Cumberland School of Law. He is a former U.S. attorney for the Middle District of Alabama and is an attorney with Haskell Slaughter Young and Rediker LLC in Birmingham. He specializes in complex class action litigation and the defense of individuals charged with crimes in high-profile cases. Along with Professor Don Cochran, Jones prosecuted the individuals accused of the Sixteenth Street Baptist Church bombing Sept. 15, 1963—which resulted in the deaths of four girls—some 40 years after the bombing occurred.

Richard Mauk announces his new office address: Consumer Financial Education Foundation of America, Inc., 2 North 20th Street, Suite 1030, Birmingham, AL 35203, 205-321-2822, 205-321-2848 fax.

1980

Bruce N. Adams announces the opening of his office at 22 East 12th Street, Anniston, AL 36201, 256-237-3339.

Anthony A. Joseph, a shareholder in the Birmingham law firm of Maynard Cooper & Gale, P.C., was elected chair of the American Bar Association Criminal Justice Section. The section serves as the association's principal entity concerned with criminal justice, and its fair, speedy and efficient administration. It provides members the tools, expert resources and information to assist them in achieving the highest level of professional expertise.

George V. Laughrun II, a partner with Goodman, Carr, Laughrun, Levine, Murray & Greene, was profiled in the *Charlotte Business Journal* July 18, 2008.

James E. Moody of Springfield, Va., is an administrative judge with the Office of Hearings and Appeals, U.S. Department of Defense.

1981

Charlie Crist, current governor of Florida, was scheduled as keynote speaker at the Republican National Convention but was unable to attend due to conditions caused by hurricane Gustav. He instead recorded a taped message that was shown at the convention and introduced by First Lady Laura Bush.

1982

Richard E. O'Neal is an assistant U.S. attorney in Birmingham. He and his wife, Lynn, have two children.

1983

Debra Taylor Lewis was named one of the "Top Birmingham Women 2008" by the *Birmingham Business Journal*. She is a partner with Balch & Bingham, LLP.

J. Steven Stafford, Tennessee State Court of Appeals judge, of Dyersburg, Tenn., was named chairman of the Tennessee Bar Foundation, a philanthropic organization that administers a fund supporting law-related public projects and honors attorneys who have distinguished themselves professionally. Stafford, who will serve a one-year term as chairman, was appointed to the appellate bench by Gov. Phil Bredesen in June. He served as chancellor for the 29th Judicial District, including Dyer and Lake counties, from 1993 until his appointment to the Court of Appeals. He was presiding judge of the Tennessee Court of the Judiciary and is a past president of the Tennessee Judicial Conference. He serves as dean of the Tennessee Judicial Academy for newly elected and appointed judges. Stafford was named the American Board of Trial

Advocates Judge of the Year for Tennessee in 2007.

Robert M. Moletteire, managing partner of Moletteire and Torpy, P.A., in Melbourne Fla., was recognized in the *Florida Super Lawyers* listing for 2008 as a civil trial lawyer. Less than 5 percent of lawyers in the state are recognized for this honor.

1984

Thomas P. Clark of Henderson, Franklin, Starnes & Holt, P.A., was selected for inclusion in the 2009 edition of *The Best Lawyers in America*.

Janet Cobb, commander of the Army Reserve Deployment Support Command based in Homewood was confirmed by the Senate as brigadier general. She was formerly a commander of the Mobile, Ala.-based 1184th Transportation Terminal Battalion. Under her command, the 1184th became well known among coalition forces in Kuwait not only for unloading a record amount of U.S. military cargo through a Kuwaiti port in 2003, but also for staging a Mobile-style Mardi Gras parade, in which Moon Pies, beads and cups were thrown. The 1184th served in Kuwait in support of Operation Enduring Freedom and Operation Iraqi Freedom. Her awards include the Bronze Star, the Meritorious Service Medal with three oak leaf clusters, the Joint Achievement Medal and others. In civilian life, she is employed in the Development Division of Kaiser Realty, Inc., in Gulf Shores, Ala.

Douglas H. Scofield announces the opening of his office: P.O. Box 27, Chelsea, AL 35043, 205-802-2545.

1985

Beverly Baker, a shareholder in the Birmingham office of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., was appointed chief diversity officer by Ogletree Deakins' Board of Directors. She

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will oversee the firm's comprehensive, proactive commitment to diversity within its 33-locations across the nation.

1986

Warren Laird joined Reli Title as vice president and general counsel.

1987

Theodore J. Leopold announces the opening of Leopold~Kuvin at 2925 PGA Boulevard, Suite 200, Palm Beach Gardens, FL 33410, 561-515-1400. He was selected for inclusion in the 2009 edition of *The Best Lawyers in America*.

1988

Brent King, an attorney in Decatur, Ala., is also varsity tennis coach at Decatur Heritage Christian Academy. He and his wife, Jennifer, have three children.

Joe Hilley wrote a new biography, *Sarah Palin: A New Kind of Leader* (Zondervan 2008). It explores themes from her career in politics, her life as a hockey mom, and her strongly held Christian faith, explaining how they influence her new style of leadership and align with a changing economy in the information age. The book was re-released nationwide Oct. 10, 2008.

1989

Richard E. Davis joined the firm Starnes & Atchison, LLP, as a partner. His practice is devoted to environmental litigation and regulatory compliance, and toxic tort litigation. He represents clients in federal and state courts in Alabama, as well as in matters involving federal and state regulatory agencies. He is a Fellow in the Litigation Counsel of American Trial Lawyer Honorary and was listed in the 2008 edition of *Alabama Super Lawyers* magazine for Environmental Litigation. Davis serves as vice chair of the Alabama State Bar Environmental Law Section Executive Committee, is a member of the Advisory Board for Cumberland School of Law, is an associate of the Environmental Law Institute and serves on the Board of Directors of the Friends of Birmingham Botanical Gardens.

Ike Gulas serves as international president of the American Hellenic Educational Progressive Association.

1990

Edward E. Blair joined the Huntsville firm of Spurrier, Rice & Forbes, LLP.

1991

Patricia Ann Swearingen Shaw of Hoover, Ala., is a senior claims attorney with Coastal Insurance Risk Retention Group, Inc. She and her husband, Walter, have a son, Parker Nathan.

1992

Sandy Martinez Little is an attorney in Plantation, Fla., concentrating in transactional/real estate law. She and her husband, Rob, have two daughters, Gabrielle, 4, and Katherine, 2.

Edward Zwilling was the subject of a Sept. 7 article in *The Birmingham News* about his work on behalf of the disabled.

1993

Valerie Schreiber Camp, assistant general counsel at BE&K, Inc., was selected as one of Auburn University's "Top 40 Graduates" in the College of Business' first 40 years. She was featured in the 2008 edition of *The Shareholder*, a publication by Auburn's College of Business.

Leslie Mitchell Kroeger joined the law firm of Leopold~Kuvin in Palm Beach Gardens, Fla., as a consumer justice attorney.

Robert Rehm was elected to partnership in the Smith Anderson firm in Raleigh, N.C. His practice specializes in technology and intellectual property.

Stephen A. Rich joined the practice of Drs. Mark Akins and Jeff Ryan with Mid-State Surgery in Tennessee.

Thomas J. Skinner IV announces the opening of Law Offices of Thomas J. Skinner IV, LLC, at 2700 Highway 280, Suite 245, Birmingham, AL 35223, 205-802-2545.

1994

J. Tod Hyche of Smith Moore Leatherwood, LLP, was selected for inclusion in the 2009 list of *The Best Lawyers in America*.

1996

David R. Anderson was named an associate in the Foley, Ala., office of Armbrrecht Jackson, LLP.

Christopher S. Berdy joined the firm of Christian & Small as a partner.

Alabama State Bar Leadership Forum

The mission of the Alabama State Bar Leadership Forum is to (a) form a pool of lawyers from which the Alabama State Bar, state and local governmental entities, local bar associations and community organizations can draw upon for leadership and service; (b) build a core of practicing lawyers to become leaders with respect to ethics and professionalism, resulting in raising the overall ethical and professional standards of lawyers in the community; and (c) raise the level of awareness of lawyers as to purpose, operation and benefits of the Alabama State Bar.

2008 Class 4 Graduates

Valerie Kisor Chittom '92
Attorney at Law, Selma

Anne Lamkin Durward '95
Massey, Stotser & Nichols, PC, Birmingham

Sandra Eubank Gregory '98
Attorney at Law, Birmingham

Erik Stephen Heninger '01
Heninger, Garrison Davis, LLC, Birmingham

Dana Bolden Hill '00
Boardman, Carr, Hutcheson & Bennett, PC, Chelsea

Adrian Daniel Johnson '01
Parnell & Crum, PA, Montgomery

Kent Michael Lauderdale '00
Lauderdale & Lauderdale, PC, Opelika

Jonathan Blake Lowe '94
Lowe, Mobley & Lowe, Haleyville

James Flynn Mozingo '94
Melton, Espy & Williams, PC, Montgomery

Cynthia Ransburg-Brown '98
Sirote & Permutt, PC, Birmingham

Chad Edward Stewart '99
Marsh, Cotter & Stewart, LLP, Enterprise

Stan Graham was named chair of the Labor and Employment Practice Group of Waller Lansden Dortch & Davis in Nashville, Tenn. With more than 220 attorneys, the firm also has offices in Birmingham and Los Angeles, Calif.

1997

Jon Kevin Abdoney was appointed judge to the Polk County Court in Florida. He has been a sole practitioner since 2005, and has served part-time as assistant regional counsel for the Office of Criminal Conflict and Civil Regional Counsel within the Second District Court of Appeal since 2007. He was an assistant state attorney for the 10th Judicial Circuit from 1999 to 2005.

Brian J. Harris is legal counsel in real estate and construction with Aaron Rents, Inc., Atlanta, Ga. He and his wife, Carrie, have two children.

Shannon Speir was featured in the Sept. 21 issue of *The Montgomery Advertiser*. She is president of HospiScript Services, LLC, in Montgomery, Ala., which manages pharmacy programs for more than 800 hospice organizations. She has two children Holtie, 2, and Coco, 6.

1998

J. Michael Keel joined Burgess & Hale, LLC, as a member.

1999

Roslyn Crews of Thomas Means Gillis & Seay was recognized in the 2008 *Birmingham Business Journal* Minority Business Awards in the 11–25 employees category.

Andrew W. Martin joined the Mobile, Ala., office of Armbrecht Jackson, LLP, as an associate.

Adam M. Milam and **Shelley Howton Milam '00** announce the opening of Milam & Milam, L.L.C., 104 South Section Street, Fairhope, AL 36532, 251-928-0191.

Charlanna W. Spencer joined the firm of Hill, Hill, Carter, Franco, Cole & Black, PC, as a shareholder.

2000

Khristi Doss Driver of Haskell Slaughter Young & Rediker, LLC, was a featured speaker at the National Business Institute

Seminar “The Art of Depositions: Powerful Techniques to Maximize your Success.”

Blake Liveoak announces the opening of Liveoak & Boyles, LLC, 821 39th Place South, Birmingham, AL 35202, 205-599-6822, 205-599-6823.

Charles Dana Morris recently became the 35th president of the Gulf Breeze Rotary Club and is the youngest president in its history. An assistant attorney general in the Office of the Attorney General of the State of Florida, Morris is assigned to the Medicaid Fraud Division, where he prosecutes Medicaid fraud, elder abuse, neglect and exploitation cases within the First Judicial Circuit.

2001

Christie Godwin Hennings is an associate with McCurdy & Candler, LLC, in Decatur, Ga. She and her husband, Todd, have one child, Evan.

Latanishia D. Watters, an attorney with Haskell Slaughter Young & Rediker, LLC, was named as one of “Birmingham’s Most Influential” in the second edition of *Who’s Who in Black Birmingham*, published in September by Briscoe Media Group, LLC. The publication honors African-American business, civic and professional leaders who have made their mark in the Birmingham community.

2002

Robin Mahan joined the firm of Gina H. McDonald & Associates as an associate.

Robert R. Underwood II joined the law firm of Peek, Cobb, Edwards & Ragatz, P.A., in Jacksonville, Fla., as an associate. His practice focuses on personal injury and wrongful death cases with an emphasis on nursing home abuse and neglect, medical malpractice, and transportation cases including auto, railroad and watercraft accidents.

Stanley Michael Pack, Jr. joined the firm of Dennis, Shaw & Drennan, LLC.

2003

Jonathan Michael Hooks is an attorney with the Birmingham law firm of Lloyd, Gray & Whitehead, P.C. He and his wife, Holly, have two children, Jonathan, Jr., and Spencer.

Scott M. Speagle was named a shareholder of Hill, Hill, Carter, Franco, Cole & Black, PC.

2004

J. Keith Pollette joined the offices of Bryant & Cook, P.C., in October 2007, and was appointed by Governor Sonny Perdue as the solicitor-general of the State Court of Treutlen County (Ga.) in July 2008.

2005

Alejandro V. Pascual IV is an assistant district attorney in the DeKalb District Attorney’s Office, Decatur, Ga. He and his wife, Carrie Denice, live in Norcross, Ga.

Andrew David Watts is an assistant district attorney general in Maryville, Tenn.

2006

Judson B. Allen is an associate with Jackson, Fikes, Hood & Brakefield in its Jasper, Ala., office.

Joshua L. Firth, Esq., an associate with Hollis, Wright & Harrington, P.C., was recognized by Cambridge *Who’s Who* for showing dedication, leadership and excellence in all aspects of legal services.

Sara L. Williams joined the firm of Whitaker, Mudd, Simms, Luke & Wells, LLC, as an associate.

2007

Louise Duckwall, a Birmingham DUI Lawyer with Kreps Law Firm, LLC, recently obtained certification from the NHTSA/IACP Standardized Field Sobriety Testing Practitioner Course in Seattle, Wash. She graduated from the National College for DUI Defense Summer Session at Harvard Law in Boston, Mass., to further her knowledge in the area of Alabama DUI Laws defense.

Michael D. Florie joined the firm of Christian & Small as an associate.

Thomas Richie joined the Birmingham office of Bradley Arant Boult Cummings, LLP, as an associate. He specializes in financial services litigation and business torts.

Andy Thomson joined the Atlanta, Ga., office of Fish & Richardson, P.C., as an associate in its Patent Prosecution and Strategic Counseling Group.

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2008

Ben Barron joined Carr Allison's Birmingham office as an associate in the firm's litigation practice group.

Baird Beers is a new associate with Haskell Slaughter Young & Rediker, LLC, in its Litigation Practice Group. Beers represents insurers and their insured, as well as other clients in civil litigation, with a particular concentration in defense representation.

LaTara Johnson joined Carr Allison's Birmingham office as an associate in the firm's litigation practice group.

Brooke M. Nixon joined Tanner & Guin, LLC, as an associate specializing in the areas of corporate, commercial, business and workplace law. She can be reached at Tanner & Guin, LLC, 2711 University Boulevard, P.O. Box 3206, Tuscaloosa, AL 35403-3206, 205-633-0236, bnixon@tannerguin.com.

Robyn L. Owens joined the litigation department of Miller & Martin, PLLC, in Nashville, Tenn.

William Lee Percise III was named an associate at the eastern North Carolina law firm of White & Allen, P.A.

Andrew Stanley joined Carr Allison's Birmingham office as an associate in the firm's litigation practice group.

Jared Wood joined Carr Allison's Birmingham office as an associate in the firm's litigation practice group. 🌱

Births

Holly and **Jonathan Michael Hooks '03** of Birmingham, a son, Spencer Murray, born Feb. 28, 2008.

Chris and **Jennifer Dawn Thayer '03** of Clarksville, Tenn., a son, Cambridge Christopher, born Jan. 20, 2008.

Melissa and **Thomas Richie '07** of Birmingham, a daughter, Valerie (Vale) Brice, born March 5, 2008. 🌱

In Memoriam

1953

Harry B. Howard, Jr., age 78, of Memphis, Tenn., died May 21, 2008. He retired as a senior agent with Allstate Insurance Company after a 40-year career. He served in the U.S. Army during the Korean War.

1954

John L. Williams, age 80, of Huntingdon, Tenn., died May 9, 2008. After service in World War II, he became the youngest circuit court clerk in Tennessee at age 22. He practiced law in Huntingdon and was a district attorney general.

1968

Stanford H. Downey, Jr., age 70, of Moody, Ala., died May 10, 2008. He was a passionate trumpet player and bandleader for more than 50 years. He was a member of the Alabama State Bar Association for 45 years. He served in public office and was a member of Viking Chapter of the Birmingham Fraternal Council. He served in the United States Navy.

1973

Ronald Edward Kopesky, age 61, of Fairhope, Ala., died June 23, 2008. An attorney in Fairhope since 1974, he was a past president of the Baldwin County Bar Association.

1977

Russell S. Crowell, age 56, of Port St. John, Fla., died May 25, 2008, after a brave fight with ALS, also known as Lou Gehrig's Disease. After practicing law for several years in Birmingham, he was employed as a staff attorney for the Office of Hearings and Appeals in Charleston, S.C., for 20 years.

Scott Lovell Speake, age 59, of New Orleans, La., died June 20, 2008. He was a retired accountant and a 13-year survivor of a double lung transplant.

1979

William C. Malone IV, age 62, of Winter Park, Fla., died July 7, 2008. He worked for McDonnell Douglas and Martin Marietta, and practiced corporate law. He was president of his Cumberland School of Law graduating class.

1984

Alan Neal Post, age 49, of High Point, N.C., died June 19, 2008. He practiced law with his father at Post and Post Attorneys, and in 2000, joined the firm of Keziah, Gates and Samet, specializing in real property law.

1989

John Henry Sytsma, age 69, of St. George Island, Fla., died Aug. 5, 2008. He immigrated to the United States from the Netherlands with his family at age 9, and later served in the U.S. Navy. He practiced law in Apalachicola, Fla.

1990

James Malcolm Cannon, age 44, of Nashville, Tenn., died June 23, 2008. He was an attorney and cofounder of Medical Reimbursements of America.

1991

James Paul Frey, Jr., age 58, of Birmingham, Ala., died July 14, 2008. He worked 18 years for Alabama Power Company and practiced law in Birmingham, specializing in Social Security disability cases. 🌱

Send Us Your News!

Any information you would like to share is appreciated.

Alumni Office
Cumberland School of Law
Samford University
800 Lakeshore Drive
Birmingham, AL 35229

1-800-888-7248
205-726-2057 fax
lawalum@samford.edu



1



2



3

Cumberland School of Law Advisory Board

1. The 2008-09 Advisory Board includes, from left, front row: **Beverly Baker '85, Lenora Pate '85, Helen Shores Lee '87, Judy Crittenden '70, Ernie Cory '81, Sim Penton '84, John Carroll '74, John Floyd '88, John Haley '75, Anthony Joseph '80, Mark White '74, Chris Puri '98, Carol Stewart '82, Allen Baker '73, Joel Dubina '73;** back row: **Cecil Cheves '74, Roe Frazer '85, John Flynt '96, Larry Noe '75, Jeff Friedman '85, Russ Allison '84, Dee Miles '89, Chervis Isom '67, Paul Plant '74, Bob Stallings '68, Worrick Robinson '91, Carolyn Featheringill, Lee Thuston '74.** Not pictured: **LaBella Alvis '84, Newman Brock '70, Buddy Brown '77, Houston Brown '73, Richard Davis '89, Bill Dyer '92, Courtney French '98, Glenn Goldstein '84, Beau Hammet '89, Clyde Jones '79, Rick Kuykendall '81, Ted Leopold '87, Bob MacKenzie '84, Joe Malugen '77, David Marsh '81, Miles McGrane '75, Tony McLain '75, Larry Morris '77, Carol Sue Nelson '77, Anne Pope '86, Bill Roedder '72, Jere White '80, John Whittington '72, Mike Worel '81, Donna Yelverton '97**

2. Students, faculty and staff join members of the Advisory Board for a luncheon in Brewer Plaza following the annual fall meeting.

3. **Liz '97** and **Courtney French '98** host a dinner at their home for the Cumberland School of Law Advisory Board.

CUMBERLAND ALUMNI WEEKEND MARCH 27-28, 09

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