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# The Guardian

The Newsletter of the Alabama Criminal Defense Lawyers Association

July/August/September 2009

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THE ALABAMA CRIMINAL DEFENSE LAWYERS ASSOCIATION PRESENTS...

## DUI DEFENSE: A DAY WITH THE EXPERTS

**Date: Friday, September 18, 2009**

**Location: Tuscaloosa Co. Courthouse • Annex Building, Tuscaloosa, AL**

**Time: 8:30 a.m. – 4:30 p.m. (6.0 CLEs)**

**Registration: \$199 for all ACDLA members by August 30.**

**\$249 for non-members and all after August 30. Free for lifetime members.**

This seminar is an *exclusive* opportunity to spend the day and network with some of the premiere DUI defenders in the Southeast.

- John T. (Tommy) Kirk, Montgomery – *A founding member, past dean and fellow of the National College for DUI Defense, Inc.*
- Henry Lagman, Birmingham – *A master storyteller and trial lawyer*
- Patrick Mahaney, Montgomery – *A former state trooper and now DUI defense attorney, lecturer and trainer*
- Bill C. Messick, Mobile – *A skilled cross examiner*
- Mark B. Polson, Birmingham – *Most recently gained acquittal for Kenny Stabler and has represented many notable clients*
- R. Hays Webb, Tuscaloosa – *A noted authority on field sobriety testing*

### SEMINAR TOPICS INCLUDE:

- Principles of a successful DUI practice
- Driver license suspension actions and driver license issues in DUI cases
- De-mystifying field sobriety tests and pre-trial preparation
- Effective cross examinations in DUI trials
- Dealing with difficult facts through persuasion
- Developing a theme for the defense
- Plus much more case-specific discussions during Q&A

*Continued on page 6*

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### INSIDE THIS ISSUE:

President's Column . . . . .	2	ACDLA Board of Directors 2009-2010 . . . . .	8-11
From My Perspective . . . . .	3	ACDLA Honors Members at Awards Luncheon . . . . .	12-13
2009 Regular Session: A Legislative Wrap-up . . . . .	4	Ways to Market the Truth . . . . .	14
Paul Young Receives Beddow Award . . . . .	5	Membership Application . . . . .	15
DUI Defense Seminar . . . . .	6-7	ACDLA Board of Directors Contact Information . . . . .	Back Cover

# President's Column

*By Kathryn King, Attorney, Cullman, AL*



*ACDLA President  
Kathryn King*

Dear Members:

I want to thank you for electing me your new president. This organization has given me much through the years in the way of comradery and support. If you've ever attended a seminar where I've spoken, you've probably heard me praise the Listserv. I think this is by far the most valuable benefit to membership. I have been practicing law for 18 years, and questions to the listserv remind me daily that I still have a lot to learn. Fortunately, I

don't have to know it all because I have the collective knowledge of all of you from which to draw. The motions, the case law and the advice from the members help to make us all better lawyers.

Six years ago, I moved my family and my practice to Cullman County. When I first moved there, there were only one or two other members of the Cullman County bar who were ACDLA members. I think now there are eleven or twelve of us. I carry membership applications in my briefcase and hand them out on a regular basis. I will keep working on the defense attorneys in my county and throughout the state as long as I practice law. Membership is very important to our organization. We currently have around 600 members, but that we could realistically get over 1,000 members. I would like for us all to work harder to convince our friends and colleagues to join. Carry membership applications to court with you and hand them out to the other attorneys. Harass your friends. It takes a long time to convince some people. If every member would convince just one other person to join ACDLA, we would have over 1,000 members.

The main thing I hope to accomplish during my tenure, though, is to encourage all of you to become more involved in this organization. When I was asked to join the board, I really had little idea about what the board did. My main contribution to the organization had been in helping with amicus briefs. When I joined the board, I found a hard working group of people who believe in the importance of this organization and its ability to make a difference to the lives of our clients. No one on the board gets paid and it takes a good bit of time and sacrifice, but the members do it because they believe.

The Board can't run this organization by ourselves. If we want ACDLA to grow and to be the influence in the state of Alabama that it can be, we all need to be involved. This is your organization. Get involved. Help it grow.

Many of you have volunteered to be on some of the committees that we have. Not all of the committees require regular meetings. There's the membership committee to come up with ideas to help our organization grow. There's the amicus committee to support members with important issues on appeal. There's the legislative committee. If you're unhappy with the Chief Justice's IDC bill, get on the legislative committee and help us come up with an alternative solution. We are forming a strike force to go to the aid of any of our members who gets into hot water for standing up for the rights of his or her client. Our goal with the strike force is to have a group of people around the state who can be ready on short notice to go to a colleague's assistance. There are several other committees with which you can be involved. The board doesn't decide how to vote on an issue out of a vacuum. We base our decisions and votes on recommendations made by the committees. The committees should be the meat of our organization. So I urge you, please, volunteer and make this organization your own.

I look forward to working with each and every one of you during the next year. I will always be accessible to you. You can call me or email any time. Criminal defense attorneys don't get much respect from the public. Most people don't realize how important we are to the criminal process. If we weren't willing to represent criminal defendants, the system would break down and no criminal could ever be prosecuted. There's a place where you are appreciated and a place where you can find loyalty and support. That place is here with the ACDLA. We need to stick together and work together to make the criminal defendants of Alabama the best represented people in the United States.

**Kathryn King**  
**kaking@hiwaay.net**

**PLEASE SEE MY OPEN  
LETTER TO THE  
MEMBERSHIP ON PAGE 14  
REGARDING THE STATE  
BAR'S RECENT VOUCHER  
LETTER REQUEST.**

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The ACDLA welcomes articles of interest from qualified professionals. Submit articles by email to:

**annscooper@bellsouth.net**

ACDLA will also consider for publication articles which have appeared elsewhere. ACDLA reserves the right to select and edit material for publication.

The views expressed by authors are not necessarily the views of the ACDLA nor is the printing of advertising meant to imply an endorsement of those services or products.

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Defense Lawyers Association

**Guardian Deadlines**

March 15, 2009  
June 15, 2009  
September 15, 2009  
December 15, 2009

Send camera-ready copy with payment to the ACDLA office.

To order resources, send a note on your letterhead describing the specific item you would like to order with your check to:

ACDLA  
PO Box 1147  
Montgomery, AL 36101

Please notify the ACDLA office immediately of any changes in your contact information. If you are not on the ACDLA email discussion group and you would like to be, please send your name and email address to

**annscooper@bellsouth.net**

# FROM MY PERSPECTIVE

*By Ann S. Cooper, Executive Director*

## PLEASE GET TO KNOW YOUR BOARD

On June 19, 2009 at the Annual Meeting of Membership in Pensacola, Florida, ACDLA elected its new board for 2009-2010. I am excited about the possibility of working with each of them as we strive to grow ACDLA and move it forward in the months ahead. If you don't personally know the Board, I encourage you to take the time to read about your leadership in this issue of *The Guardian*. Once you read the bios, you will discover, nearly every member of the Board is a solo practitioner and understands the difficulties many of you face practicing law in Alabama. Please get to know your Board. I think you will be pleased. Also, please note, you can communicate any time with them by using the back page directory located on each issue of *The Guardian*.

## A NEW SEMINAR IN SEPTEMBER

ACDLA is offering a new September seminar, "DUI Defense: A Day with the Experts" on Friday, September 18 in Tuscaloosa. The one-day, 6 CLE event is an *exclusive* opportunity to spend the day and network with some of the premiere DUI defenders in the Southeast. Check out the cover story in this issue of *The Guardian* for speakers and topics. Registration for ACDLA members is discounted until August 30. I encourage you to register today because space is limited. ACDLA owes a special thanks to Patrick Mahaney who assisted in the production of this new training opportunity.

## GET READY TO GROW

ACDLA will once again sponsor its annual "Member Get a Member" Campaign in October. Members participating by sponsoring "new" members to ACDLA for 2010 will receive special prizes and recognition. Watch for details coming soon!

## SAVE THE DATES

**December 4 & December 11, 2009 – "Four Corners Seminars" –**

**December 4 – Dothan & Tuscaloosa**

**December 11 – Mobile & Anniston**

**Date & Location – TBA – Huntsville**

**4 CLEs – Free to 2010 Members! – 1-5 p.m. Most sites**

Join us for Four Corners Seminars around the state on Friday, December 4 and December 11. Locations will be announced. Not a member? Join there and get in free!

**Non-Members - \$175 Registration Only; \$185 Registration and Dues for 2010**

**January 29-30, 2010 – "Loosening the Death Belt" – Annual Death Penalty Seminar  
DoubleTree Hotel, Birmingham, AL – 12 CLEs**

Learn techniques that could save your client's life from some of the nation's top capital case defenders. Pre-registration is advised. Watch for seminar registration details soon.

Make your hotel reservations now at the discounted rate of \$119 plus tax single or double. Ask for the ACDLA rate. Call 1-205-933-9000 for rooms.

**June 17-19, 2010 – "Justice Must Be Won" – 2010 ACDLA Summer Seminar & Annual Meeting**

**Pensacola Hilton, Pensacola Beach, FL – 12 CLEs**

Return once again in 2010 to the beautiful Hilton & Towers on Pensacola Beach for sun, sand and CLEs! Pre-registration is suggested.

**Registration – TBA -Lifetime Members – No Charge**

**Hotel – Pensacola Hilton & Towers, 12 via de Luna Drive, Pensacola Beach, FL 32561.**

Ask for ACDLA Rate of \$279-up. Call 1-866-916-2999 for reservations. Condos are available in the towers.

**Room block will be dropped after 6/1/10.**

Thanks to everyone who continues to support ACDLA through membership in Alabama's only statewide association dedicated to improving the excellence of criminal defense practice.

**Ann Cooper**  
**annscooper@bellsouth.net**

# 2009 Regular Session: A Legislative Wrap-up.

*By James H. Roberts, Jr., Tuscaloosa AL, Chairman, ACDLA Legislative Committee*

As you all know, there were two pieces of legislation that were the primary focus of our efforts this year: IDC and Expungement. The IDC bill was obviously very controversial. The Board has been actively dealing with this legislation since 2005. It has been around since long before that. There has been more and more support for the IDC over the past few years. Greater still is the support for some revamping of the Indigent Defense system in Alabama whether it be by virtue of an IDC bill or some other mechanism.

After we argued before the House Judiciary against the 2006 version of the IDC bill, a few of us had a conversation with former Justice Gorman Houston in which he stated the then Chief Justice Nabors believed he was within his power as head of AOC to install an Indigent Defense Commission without that legislation. Chief Justice Cobb's victory in the following election prevented that from occurring.

Chief Justice Cobb has made it known that she agrees with Houston and Nabors that the head of AOC has the authority to install an Indigent Defense Commission. However, rather than do so, she sought the input of ACDLA on the IDC bill. One thing that I have learned since the inception of our legislative program is that to have any effect on legislation, we have to be willing to sit down at the table.

The state Bar association has been in support of the IDC bill. Now, many are receiving letters from the Office of General Counsel requesting their billing records. The Board has been unfairly derided for telling membership that the IDC issue was a real threat and would not go away. But now, all should see that the Board was correct. The issue of spending on indigent defense is not dead and we must continue to address this issue not with our heads in the sand, but with our seats at the negotiating table.

After being ignored for years, we have finally earned a position of respect in Montgomery whereby our input is now sought. Yet, to change the IDC bill and make it as good as it possibly can be in case it does pass the legislature, the Board had to agree to support the bill if our changes were adopted. That support was always conditional and remained that way to the 2009 Judiciary Committee hearing.

The result of this action was that the 2009 IDC bill was far superior to the previous versions. Just a couple of the more positive changes were:

1. The makeup of the Commission itself was changed to require that 11 of the 14 members would be criminal defense or juvenile lawyers. Thus, the vast majority of the Commission would be us.
2. The 5 member local advisory group was changed to have voting rights on the method of delivery of indigent services in its jurisdiction. The group was no longer advisory, but an active participant in the decision making.
3. A super majority provision was added. If the 5 member local advisory group votes unanimously on a method of delivery of services, then a super majority of the 19 voting on that method (14 from the

Commission, 5 from the local board) would be required to adopt a different method from the one the local board chose. Thus, it would take only 3 of the 14 members of the Commission to vote with the local board to block any change from that adopted by the local board.

4. The contracts for contract counsel are to be between the Commission and the attorney, not the judge and the attorney, thereby avoiding any undue influence by the judge on the attorney.

The Board has been unfairly criticized and often, Board members personally criticized, due to the stance the Board took on this legislation. However, the Board recognized that, put simply, they won't make any changes we want if we don't give them something. That's the way of politics. The Board decided that to get the changes we wanted, it had to provide conditional support for the bill. The Board took this position fully aware that there were opponents of the bill in the legislature that could and would kill this bill.

Now, some have asked how the Board can help with the request for production of their bills. I am not on the Board and the Board will have to decide what, if any, help it can provide. However, rest assured that if the Board had not had the courage to take the stance it has taken on this and other issues, it would be unable to provide any help. It would have been impotent. Instead, ACDLA is now well respected in Montgomery.

Because next year is an election year, it is likely that the IDC bill will not receive much attention. An election year has a way of slowing down any controversial legislation. But, ACDLA will continue to work on this issue to serve the best interests of our members, our clients, and our system.

## Expungement

The Expungement bill is another example of how far our legislative program has come since its inception. It took 8 years for the Boxing Commission bill to go from first being introduced to the Governor's desk. It took us 14 months to do the same with the Expungement bill. Unfortunately, the Governor used the pocket veto to kill the bill. Yet, the Governor's office has indicated a willingness to discuss his issues with the bill with us.

The bill will be re-introduced in the next session and we believe that we have enough votes to override a veto. However, we have to get the bill passed soon enough to allow the time for an override. Therefore, we will "pre-file" the bill at the appropriate time.

If you have any ideas for alternatives to the IDC bill or other legislation, please feel free to let me know at [JimRobertsTWRLaw@aol.com](mailto:JimRobertsTWRLaw@aol.com). Also, I encourage everyone to get involved and be a part of the Legislative Committee. Those meetings are posted well in advance by Ann Cooper and all are invited.

**Jim Roberts**

**Turner, Webb & Roberts, P.C., Tuscaloosa, AL**

**[JimRobertsTWRLaw@aol.com](mailto:JimRobertsTWRLaw@aol.com) – [www.turnerwebbroberts.com](http://www.turnerwebbroberts.com)**

# PAUL YOUNG RECEIVES BEDDOW AWARD

An Enterprise attorney has been awarded the Alabama Criminal Defense Lawyers' Association's top honor for "a lifetime of achievement and excellence in his field." That's the word from Kathryn King, a Cullman attorney who is president of the association that recently presented Paul Young the 2008-2009 Roderick Beddow Award.



*Paul Young*

The honor was presented at a recent annual awards lunch in Pensacola Beach, Fla. The Roderick Beddow Award is ACDLA's highest honor, said King. "It's named after Roderick Beddow Sr., who died in 1989 after practicing law in Alabama for 57 years." The award recognizes a lifetime of achievement and excellence in the legal arena and Young's selection was a natural fit, she said. "Mr. Young exemplifies one of the finest

criminal defense lawyers in our state and nation and we are extremely proud to have him, not only as a member, but also to receive our highest honor this year."

"He has already been recognized by the state bar and his local bar for excellence in client representation and we, as his peers, would be remiss not to recognize his outstanding body of work, as well as his continued service to his community." An Enterprise native, Young has practiced law in Enterprise for nearly 30 years. On Friday, he reflected on his recent honor and the lessons he has learned. "I don't know of any other profession where you have the opportunity to make such a difference in the lives of people," he said. "Receiving this award is humbling and my first thought is to wonder if I really measure up to some of the award recipients who went before me."

Enterprise Attorney Joe Sawyer knows that answer. "Roderick Beddow exemplified the criminal defense attorney in his day," Sawyer said. "Paul Young exemplifies the criminal defense attorney in this day," Sawyer said. "In my measured opinion," Sawyer said, "when Paul's day in the sun has come and gone, he will be remembered as an advocate."

The defense attorney Atticus Finch in Harper Lee's classic "To Kill a Mockingbird" inspired him when he was younger, Young said. He added that Coffee County attorneys Joe Cassady, Sr. and G.A. Lindsay were mentors early in his career. Cassady believes Young is very deserving of the top honor.

"Paul is a very tenacious lawyer who prepares his cases almost to a fault." Young's wife Shawn agreed wholeheartedly. "He's thinking about his cases non-stop," she said, adding that graduation time is when her husband's impact on the people around him "is really brought home."

"Every graduation, he has piles of announcements and notes from graduates or their parents thanking him for helping them and making a difference in their lives," she said. "That is when it really hits just how much he gives of himself. I am so very proud." Attorney Carmen Howell calls Young her mentor. "I know he credits others for mentoring him," she said. "And now he is mentoring me." Howell said she has wanted to work for Young for years. "My mother took a class of his and that is when I decided I wanted to work for him."

Calling Young "a complete professional and very determined," Howell said, "He has made me the attorney that I am and I am proud of that."

"A worthy adversary," is how 12th Judicial Circuit District Attorney and retired judge Gary McAliley characterizes Young. "While I served as a judge, Paul was always very effective, always prepared," McAliley said. "And in my capacity as DA, I can only call him a highly worthy adversary."

"When its all said and done, you can't help everybody," Young said. "But you can try."

ACDLA extends congratulations to Paul Young on his exemplary work. We are proud to have you as a member and a Board Member.

## ADVISORY COMMITTEE ON THE ALABAMA RULES OF EVIDENCE

The Alabama Supreme Court has reactivated the Advisory Committee on the Alabama Rules of Evidence for the purpose of conducting a comprehensive survey of the rules, which became effective January 1, 1996 and have not been amended in the interim. The Committee will identify all interpreting case law; compare each rule with its counterpart in the Federal Rules of Evidence, consider all rules appearing in one system but not in the other; and recommend to the Alabama Supreme Court any amendments thought by the Committee to be appropriate. Any person wishing to suggest matters for the Committee's consideration are welcome to submit the same to any member of the Committee. The Committee is composed of the following members: Chair, Retired Supreme Court Justice Bernard Harwood, Rosen Harwood, PA, Tuscaloosa; Ms. Helen Johnson Alford, Alford, Clausen & McDonald, LLC, Mobile; Mr. R. Bruce Barze, Jr., Balch & Bingham, LLP, Birmingham; Ms. Laveeda Morgan Battle, The Battle Law Firm, LLC, Birmingham; Dean Steve Emens, University of Alabama School of Law, Tuscaloosa; Mr. Joseph C. Espy, III, Melton, Espy & Williams, Montgomery; Judge Langford Floyd, Circuit Judge of Baldwin County, Bay Minette; Dean Charles Gamble, Tuscaloosa; Mr. Larry Golston, Beasley, Allen, Crow, Methvin, Portis & Miles, PC, Montgomery; Professor Bob Goodwin, Cumberland School of Law, Birmingham; Retired Circuit Judge Arthur J. Hanes, Jr., Dominic, Fletcher, Yielding, Wood & Lloyd, PA, Birmingham; Mr. Edward Thomas Hines, Thompson, Garrett & Hines, LLP, Brewton; Mr. G. Douglas Jones, Haskell Slaughter Young & Rediker, LLC, Birmingham; Professor Joseph L. Lester, Thomas Goode Jones School of Law, Montgomery; Professor Terrence W. McCarthy, Lightfoot Franklin & White, LLC, Birmingham; Hon. J. Chris McCool, District Attorney for the 24th Judicial Circuit, Carrolton; Mr. Bruce J. McKee, Hare Wynn Newell & Newton, Birmingham; Mr. William D. Melton, Evergreen; Judge Sherrie Willman Paler, Circuit Judge of Morgan County, Decatur; Judge David A. Rains, Circuit Judge of Ninth Judicial Circuit, Fort Payne; Mr. G. Griffin Sikes, Jr., Director, Legal Division, Administrative Office of Courts, Montgomery; Mr. H. Harold Stephens, Bradley Arant Rose & White, LLP, Huntsville; Judge Sarah Hicks Stewart, Circuit Judge of Mobile County, Mobile; and Mr. Robert C. Ward, Jr., Rushton, Stakely, Johnston & Garrett, P.A., Montgomery.

Submit your comments to:

R. Bernard Harwood, Jr.,

Rosen Harwood, P.O. Box 2727, Tuscaloosa, AL 35403-2727

(205) 344-5000 / bharwood@rosenharwood.com

THE ALABAMA CRIMINAL DEFENSE LAWYERS ASSOCIATION PRESENTS...

# DUI DEFENSE: A DAY WITH THE EXPERTS

Friday, September 18, 2009 • 8:30 a.m. – 4:30 p.m.

Tuscaloosa County Courthouse Annex Building, Tuscaloosa, AL

## – AGENDA –

8:00 - 8:30 a.m.	Registration and Check-in
8:30 a.m. - 8:45 a.m.	<i>"Welcome and Introductions"</i> – Patrick Mahaney, Attorney, Montgomery, AL
8:45 a.m. - 10:00 a.m.	<i>"The Principles of A Successful DUI Practice"</i> – Mark Polson, Attorney, Birmingham, AL
10:00 a.m. - 10:15 a.m.	Break
10:15 a.m. - 10:45 a.m.	<i>"Drivers License Issues in DUI Cases"</i> – Patrick Mahaney, Attorney, Montgomery, AL
10:45 a.m. - 11:45 a.m.	<i>"De-mystifying the Field Sobriety Test,"</i> – Hays Webb, Attorney, Tuscaloosa, AL
11:45 a.m. - 1:00	Lunch Break
1:00 p.m. - 2:00 p.m.	<i>"Effective Cross Examination in DUI Trials,"</i> – Bill Messick, Attorney, Mobile, AL
2:00 p.m. - 3:00 p.m.	<i>"The Art of Persuasion through Storytelling"</i> – Henry Lagman, Attorney, Birmingham, AL
3:00 p.m. - 3:15 p.m.	Break
3:15 p.m. - 4:15 p.m.	<i>"Developing Your Theme: From Opening to Closing"</i> – John T. "Tommy" Kirk, Attorney, Montgomery, AL
4:15 p.m. - 4:30 p.m.	Case-specific discussions during Q&A

**This course or a portion thereof has been approved by the Mandatory Continuing Legal Education Commission of Alabama for a maximum of 6 hours' credit. All proceeds, after expenses, benefit the Alabama Criminal Defense Lawyers Association. This coursework is restricted to criminal defense lawyers only.**

### SIGN ME UP:

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Visa, MasterCard and checks accepted. Make all checks payable to ACDLA, P.O. Box 1147, Montgomery, AL 36101. Sorry, no cancellations. Substitutions are welcomed.

Fax or mail this form to: ACDLA, P.O. Box 1147, Montgomery, AL 36101 – 1-866-665-7522

Questions? Contact Ann Cooper at 334/272-0064 or via email to: [annscooper@bellsouth.net](mailto:annscooper@bellsouth.net)

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# About the Guest Faculty

- **JOHN T. (TOMMY) KIRK** specializes in DUI defense and other alcohol related offenses, although he has a wealth of experience and expertise in all aspects of criminal law. He was born in Montgomery, Alabama. Mr. Kirk attended Huntingdon College, in Montgomery, graduating in 1966 with a Bachelor of Science degree. He pursued his legal education at the Jones Law Institute, where he earned his L.L.B. degree, graduating in 1971. After successfully completing the State Bar Examination, he was admitted to the State Bar of Alabama in 1972. He served as Municipal Prosecutor for the City of Montgomery from 1973 to 1980, but since then has devoted his energies to criminal defense law. In 1988, for his service to criminal defense as President of the Alabama Criminal Defense Lawyers Association, Tommy was awarded its highest honor, the Roderick Beddow, Sr. Award. Today, Mr. Kirk limits his practice exclusively to DUI offenses and related charges, including DUI manslaughter and DUI murder. He is a nationally recognized expert in the field. A founding member of the National College for DUI Defense, Inc., Mr. Kirk has served that institution as Dean and as a member of its governing body, the Board of Regents. He remains an active member of the NCDD Board and is much in demand as a speaker and lecturer across the nation on the subject of DUI defense. He has appeared as a guest speaker at seminars in 16 states since 1997, and his publications are widely read among DUI defense lawyers.
- **HENRY E. LAGMAN** of Birmingham specializes in DUI/DWI defense and general criminal law. Mr. Lagman was admitted to the Alabama State Bar in 1977. He is a 1976 graduate of Cumberland School of Law at Samford University and holds a B.A. in Business Administration and Political Science from Birmingham-Southern College. For more than 30 years, Mr. Lagman has been providing a broad range of high quality legal services to a wide range of clients. He has successfully defended individuals accused of crimes throughout the Southeast U.S. He is a member of the prestigious National College of DUI Defense and Past President of the Shelby County Bar Association. He is a founding member of the Alabama Story-Telling Association (ASA), a resource for educating business and industry.
- **PATRICK MAHANEY** is an attorney in private practice with an office located in Montgomery, Alabama. Since July 2006, he has been concentrating his legal practice in the defense of DUI cases, drug violations, driver license law, and general criminal defense. Mr. Mahaney was previously a contract attorney for the City of Montgomery, serving as Municipal Court prosecutor and staff attorney where he was responsible for prosecution of criminal cases in Municipal Court. He has extensive international police and criminal justice advisory experience and a 28 year military service as a commissioned officer. Mr. Mahaney, a former state police officer, brings a law enforcement perspective to his work. From 1978 until 2000, Mr. Mahaney served as a uniformed patrol officer, training academy specialist, planning and research staff officer, and assistant legal counsel. He is author of the treatise: "*Alabama DUI, Traffic, and Driver License Law Handbook*," and is a frequent guest lecturer to continuing legal education courses in traffic law, driver license law, and DUI law.
- **BILL C. MESSICK** was born in Florida. He is a graduate of the University of South Alabama with a degree in International Business. He is a sole practitioner in Mobile, Alabama concentrating his practice in criminal defense, probate and real estate. In 1986, Bill obtained his law degree at Texas Southern University in Houston, Texas. Bill is licensed to practice law in Texas, Alabama, and the U.S. District Courts for the Middle and Southern Districts of Alabama. In 1976, while serving in the U.S. Navy, Bill was trained as a Russian linguist at the Defense Language Institute in Monterey, California. He has tried over 150 jury trials in criminal cases.
- Birmingham DUI attorney, **MARK B. POLSON**, is originally from Tuscaloosa, Alabama. Mr. Polson attended the University of Alabama for his undergraduate degree and attended law school at Samford University's Cumberland School of Law. Mark Polson has been practicing law in Alabama for more than thirty-five years. Mr. Polson regularly attends National College for DUI Defense seminars, and other continuing legal education seminars devoted to DUI defense to hone his skills as a master DUI defender and is frequently called upon to lecture at these events. He is a member of the following organizations:
- National College for DUI Defense
  - National Association of Criminal Defense Lawyers
  - American Bar Association
  - Alabama Criminal Defense Lawyers Association
  - Greater Birmingham Criminal Defense Lawyers Association
  - Alabama Bar Association
  - Birmingham Bar Association
- **R. HAYS WEBB** is a former Marine, serving his country from 1985-1989. He is a graduate of The University of Alabama School of Law and was admitted to the Alabama State Bar in 1997. From 1997 until 2001, Hays served as a Public Defender in the Tuscaloosa County Public Defenders' Office. In 2001 he became a partner in the Tuscaloosa law firm of Turner, Webb and Roberts. Hays' practice areas include DUI/DWI, criminal law, personal injury and family law. He has spoken at numerous seminars around the state for Alabama Bar Institute for Continuing Legal Education (ABICLE) and Alabama Criminal Defense Lawyers Association (ACDLA). He is an active member of ACDLA, the National Association of Criminal Defense Lawyers (NACDL), the Tuscaloosa County Bar Association, the National College of DUI Defense, as well as the Alabama State Bar.

## ACDLA BOARD OF DIRECTORS: 2009-2010

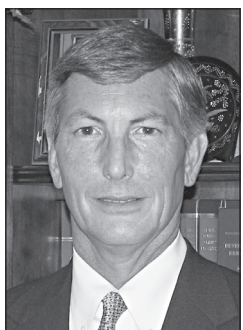


**KATHRYN KING**  
**PRESIDENT**

*Cullman*

**Kathryn King** is a native of the Shoals area where she graduated from Sheffield High School in 1977. She attended the University of Alabama from 1978 to 1982 where she earned a BA degree in Anthropology. From 1982 to 1988, Ms. King lived in Fayetteville, Arkansas working as an archeologist and earning her MA in Anthropology from the

University of Arkansas in 1988. After tiring of life as a starving scientist, she enrolled in The University of Alabama School of Law from which she earned her J.D. in 1991. While in law school, Ms. King was a member of the Alabama Law Review where she was on the Managing Board in her third year. She was also active in several other organizations while a student. After graduating from law school, Ms. King has returned home where she established a private practice concentrating in a large part in criminal defense work. She moved her practice to Cullman, Alabama in 2003, where she has since resided. She has been a member of the Alabama Criminal Defense Lawyers Association for several years and has authored and co-authored several amicus briefs and participated in oral arguments on behalf of the organization. She currently serves as President of ACDLA.



**RICHARD KEITH**  
**IMMEDIATE PAST PRESIDENT**

*Montgomery*

**Richard Keith** was admitted to the practice of law in 1990 after graduating from Jones School of Law in 1989. He has been a solo practitioner since 1990 and currently practices in Montgomery. Richard's primary focus of practice is criminal defense. He has represented more than 60 defendants charged with capital murder. He is past president of the

Montgomery County Trial Lawyers Association, a member of the Montgomery County Bar Association, the National Association of Criminal Defense Lawyers (NACDL) and a past president of ACDLA.



**WILLIAM R. BLANCHARD**  
**NEXT PAST PRESIDENT**

*Montgomery*

Montgomery attorney **William R. Blanchard** is founder of Blanchard Law Offices. He has over 21 years of experience and practices in all levels of state and federal court. Mr. Blanchard concentrates his practice in the areas of criminal defense, appeals and post-conviction relief, family law and divorce and personal injury, including motor vehicle accidents. He received his BA in Arts from the University of Alabama and JD from Thomas Goode Jones School of Law. Previous bar leadership posts include past president of ACDLA, past president of the Montgomery County Bar Association, Criminal Defense Committee, and past chairman

of the ACDLA Legislative Committee. He serves as a member of the Alabama State Bar Association, the National Association of Criminal Defense Lawyers (NACDL), Equal Justice Initiative, American Inns of Court, Montgomery Trial Lawyers Association, and Criminal Justice Act Panel of the U.S. District Court for the Middle District of Alabama.



**DONALD L. COLEE, JR.**  
**PRESIDENT-ELECT**

*Birmingham*

Birmingham attorney **Donald L. Colee, Jr.** is a graduate of The Cumberland School of Law at Samford University. He was admitted to the Alabama State Bar in 1976. From 1976 to 1983, Don served as Deputy District Attorney of Jefferson County. From 1983 to the present, he has been in the private practice of law in Birmingham. He handles all types of

cases from death penalty to misdemeanors, trials and appeals. Don is an active member of the Alabama Bar Association, ACDLA, the Birmingham Bar Association, the National Association of Criminal Defense Lawyers (NACDL), and has been a member of the Chalkville Campus Advisory Board for the Department of Youth Services since 1988, working with juveniles. He has served as a CLE lecturer at the Birmingham Bar Association, the Birmingham Police Academy, as well as the Greater Birmingham Criminal Defense Lawyers Association seminars.



**PATRICK M. TUTEN**  
**VICE-PRESIDENT**

*Huntsville*

**Patrick M. Tuten** attended Faulkner University and graduated from Jones School of Law. His private law practice, Tuten Law Offices, is located in Huntsville. Patrick is licensed to practice in all State and Municipal Courts in Alabama, the Federal District Court, Northern and Middle Districts of Alabama, as well as the Eastern District of

Tennessee and the 11th Circuit and 6th Circuit Courts of Appeal. He has served as a Municipal Judge for the Town of Triana, Alabama and a Substitute Municipal Judge for the City of Huntsville. Patrick is currently a member of the Alabama State Bar, the Huntsville/Madison County Bar Association, the ACDLA, the NACDL and the American Inns of Court Madison County Chapter.



**JEFFREY C. DUFFEY**  
**SECRETARY**

*Montgomery*

Montgomery attorney **Jeffrey C. Duffey** is a sole practitioner. He holds a BS from Auburn University and in 1977, graduated from Thomas Goode Jones Law School. Jeff was admitted to the Alabama Bar in 1978. He is admitted to practice in the U.S. District Courts, Middle District, Northern District,

and Southern District; the U.S. District Court for the District of Arizona; and the U.S. Supreme Court. He is also admitted to practice in the U.S. Court of Appeal for the 4th, 5th, 6th, 8th, and 11th Circuits. Jeff is active in many professional organizations including the American Bar Association (ABA), the Federal Bar Association, NACDL, ACDLA, the Montgomery County Bar Association, Federal Defenders for the Middle District of Alabama, as well as the Hugh Maddox Inn of Court.



**AMBER LYNN LADNER**  
TREASURER  
*Birmingham*

**Amber Lynn Ladner** has been a solo practitioner in Birmingham since 2004. She has a General Law practice with emphasis in the area of federal and state criminal justice and family court (both criminal and civil cases). From 2003 to 2004, Amber practiced in the firm of Luker, Cole and Associates in Birmingham where she spe-

cialized in areas of federal and state criminal justice, GAL in civil actions, and GAL for involuntary commitments, probate and domestic relations. Her background includes work as a family support specialist for Gateway Family and Child Services where she was responsible for three to four family caseloads. Here she helped families find support in their community and worked closely with the AL Dept. of Human Resources. From 1998 until 1999, Amber served as a mental health specialist at Diamond Grove Community Counseling Services where she functioned as a member of the treatment team and accepted responsibilities for duties such as patient observation rounds, suicide risk observation, and assisting with treatment teams. Amber is a 2003 honors graduate of the Birmingham School of Law. She received her Educator's License for the State of Mississippi in 1998, her BA from William Carey College in 1998 and an Associate Degree from the Mississippi Gulf Coast Community College in 1996. Ms. Ladner is currently a candidate for Circuit Judge in Jefferson County Place 24 running against incumbent Gloria Bahakel in the 2010 elections.

**LINDA F. COATS, Huntsville and BRIAN M. WHITE, Decatur**  
DISTRICT I VICE PRESIDENTS

*Serving Colbert, DeKalb, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marshall and Morgan Counties.*



Huntsville attorney, **Linda F. Coats**, graduated from the University of Alabama in Huntsville in 1988 with a BA in Political Science. She graduated from the University of Alabama School of Law in 1991. Linda has been a solo practitioner in Huntsville for the past 18 years in the areas of criminal defense and domestic relations. She is a member of the National Association of Criminal Defense Lawyers (NACDL), the Family Law Section of the Alabama State

Bar and the Madison County Bar. She is a past president of the Madison County Young Lawyers. Linda has twice received the President's Award from ACDLA and she currently serves as on the ACDLA Legislative Committee. In 2000, Linda was honored to receive the very prestigious Humanitarian Service Award from Crisis

Service of North Alabama. She serves on the Board of Directors of Big Brothers Big Sisters and is a past member of the Board of Directors of the Huntsville Downtown Rescue Mission, having served more than eight years. Linda is an active member of the Alabama Federation of Republican Women and was elected in the 2006 Republican Primary to the Madison County Republican Executive Committee. She is active in local charity activities with the Junior League of Huntsville and the Hunts Spring Chapter of the DAR.



**Brian M. White** is a native of Decatur, Alabama. He graduated magna cum laude in economics from Birmingham-Southern College. While at Birmingham-Southern, Brian was elected to Phi Beta Kappa. Brian is a veteran of the Persian Gulf War with service in 1990 and 1991. After returning from deployment in Saudi Arabia, Brian earned his JD at the University of Alabama. In 1998, Brian completed the National Criminal Defense College in Macon, Georgia. Brian's

practice is focused on criminal trial and appellate work and divorce and custody litigation. For more than fifteen years, Brian has represented defendants in criminal trials from murder cases to misdemeanors. Brian's practice is primarily in Morgan, Lawrence, Limestone, Madison and Marshall Counties. In addition to practicing in state courts all over North Alabama, Brian is also admitted in the U.S. District Court, the 11th Circuit Court of Appeals, and the U.S. Supreme Court.

**DANI V. BONE, Gadsden, WILLIAM H. "BILL" BROOME, Anniston and MICHAEL HANLE, Birmingham**  
DISTRICT II VICE PRESIDENTS

*Serving Blount, Cullman, Cherokee, Clay, Cleburne, Cullman, Etowah, Jefferson, Marion, Randolph, Shelby, St. Clair, Talladega and Winston Counties.*



**Dani V. Bone** was born and raised in Gadsden, Alabama. He graduated from Gadsden High School in 1975 and from Jacksonville State University in 1979 with a BS degree and a major in Marketing. In 1980, he went to work in the Veterinary Pharmaceutical business and eventually managed a sales force for the Eastern United States. He then followed his dream of becoming an attorney, attended law school and graduated from the

Birmingham School of Law in 1996. After practicing for one year with his brother, Gary Bone, he opened his own firm in 1998 and has been a solo practitioner ever since. He is a member of the Etowah County Bar Association, the Alabama Trial Lawyers Association, the American Bar Association and the ACDLA. He is admitted to practice in the U.S. District Court Northern District of Alabama, U.S. Court of Appeals for the 11th Circuit, the Supreme Court of the U.S., as well as all Alabama State Courts. He has devoted a large portion of his practice to criminal defense, but also handles personal injury cases, and family law matters.

*Continued on page 10*

## ACDLA BOARD OF DIRECTORS: 2009-2010



**William H. "Bill" Broome** has been a solo practitioner in Anniston since 1977 and has over 31 years experience practicing criminal law in all levels of state and federal court. Bill graduated from Auburn University in 1973 and the University of Alabama School of Law in 1977. He currently serves on the Board of Directors of Legal Services Alabama and the Opportunity Center Foundation of Northeast Alabama. He served on the Board of Bar Commissioners of the Alabama State Bar from 1998 to

2007 and was on the Bar's Executive Council in 2006-2007. Bill currently serves on Chief Justice Cobb's Judicial Study Commission on Indigent Defense. He is active in numerous bar activities including the American Bar Association-Criminal Justice Section, NACDL, American Inns of Court and Calhoun-Cleburne County Bar Association. He serves as a CJA Panel Attorney for the Northern District of Alabama.



**Michael P. Hanle** is a sole practitioner and trial attorney in Birmingham, Alabama. His practice is limited to defending individuals charged with criminal conduct in federal, state, and municipal courts include driving while intoxicated, drug crimes, felonies, misdemeanors, traffic violations, white-collar crime and appellate practice. Mr. Hanle has tried numerous cases in both Federal and State Courts. Mr. Hanle is President-Elect of the Greater

Birmingham Criminal Defense Lawyers Association, a member of the Alabama State Bar, the Alabama Criminal Defense Lawyers Association and the National Association of Criminal Defense Lawyers. He is admitted to practice in the 11th Circuit Court of Appeals, and the United States District Court, Northern and Southern Districts of Alabama. He graduated with a BS degree from Louisiana State University and a JD degree from Southern University. He is married to Donna J. Hanle and has three wonderful children: Rachel (17), Jonathan (15), and Jackson (7).

**JEREMY ARMSTRONG, Phenix City,  
I.M. "MIKE" WINTER, Montgomery  
DISTRICT III VICE PRESIDENTS**

*Serving Autauga, Bullock, Butler, Chambers, Chilton, Coosa, Crenshaw, Dallas, Elmore, Lee, Lowndes, Macon, Montgomery, Pike, Russell, Tallapoosa and Wilcox Counties*

**Jeremy W. Armstrong** is a native of Phenix City, Alabama. He graduated from Auburn University in 1993 with a BS degree in Public Administration. In 1994, while attending Jones School of Law, Jeremy was employed with the Alabama Attorney General's Office and was assigned as a member of the prosecution team that prosecuted Walter Leroy Moody, Jr., for the bombing-murder of 11th Circuit Court of Appeals Judge Robert S. Vance. In May, 1998, then AG Bill Pryor, appointed Jeremy as an Assistant Attorney General with the Alabama AG's Office where was assigned to the Capital Litigation Division,



representing the State of Alabama in death penalty proceedings and federal habeas proceedings. In August, 1999, Jeremy was appointed Deputy District Attorney for the Montgomery County District Attorney's Office. In October 2000, Jeremy moved back to his hometown of Phenix City, Alabama and began a private practice as a criminal defense attorney. Jeremy's wife, Melissa, is a forensic drug chemist with the Alabama Department of Forensic Sciences. They have four children. Jeremy is an active member of the Alabama Republican Party and is advisory legal counsel for the East Alabama Republican Party. Jeremy and his family are active members of Holy Family Catholic Church in Columbus, Georgia.



**I.M. "Mike" Winter** has practiced law since 2000. He received his BA from Vanderbilt University and his JD, magna cum laude, from the Thomas Goode Jones School of Law. In law school, he served as the President of the Student Bar Association, was an editor on the Law Review for two years, and received the award as the most outstanding graduate. He is admitted to practice in the state and federal bars in Alabama. In his first legal job, Mike served as

the law clerk to the Chief Justice of the Alabama Supreme Court. In 2005, he began his private practice as a solo practitioner with Winter Legal Strategies LLC. He has represented clients throughout Alabama in criminal, civil, and appellate cases. He currently serves on the Board of ACDLA, the Federal Bar Association, and the Montgomery County Bar Association. He received a Merit Award from the ACDLA in 2007 and a Presidents Award in 2008. He serves as a Panel Attorney for the Federal Defender's Office for the Middle District. He has lectured at national conferences on elder law rights.

**MICHEL NICROSI, Mobile and  
ASHLEY E. CAMERON, Mobile  
DISTRICT IV VICE PRESIDENTS**

*Serving Baldwin, Choctaw, Clarke, Conecuh, Escambia, Mobile, Monroe and Washington Counties*



Mobile attorney, **Michel Nicrosi**, is a partner in the law firm of Jones Walker. Her practice focuses on preventive and litigation services for businesses and individuals in corporate and white collar crime matters. She served as a federal prosecutor for over sixteen years. She joined the U.S. Dept. of Justice in Washington, DC after her graduation from law school in 1989. She was appointed to the DOJ under the Attorney General's Honor Program. For several years, Michel served as a trial attorney in the Southern Criminal Enforcement Section of the Tax Division. She prosecuted white collar

criminal cases with emphasis on tax fraud and other financial crimes in several states through the U.S. In 1995 she transferred to the U.S. Attorney's Office for the Southern District of Alabama where she continued to handle white collar cases involving fraud, public corruption, and cybercrime. While in the U.S. Attorney's Office, Michel served as chief of the criminal division from 1997 to 2001. As chief she was responsible for supervising the criminal attorneys and managing the criminal litigation for the judicial district. In 2006, Michel successfully defended Paul Hamrick, the former chief of staff to the Governor of Alabama in the most significant public corruption trial in the history of the State of Alabama (the Siegelman-Scrushy trial in the Middle District of Alabama). A federal trial jury acquitted Mr. Hamrick on all charges including RICO violations, mail and wire fraud, and obstruction of justice after a nine-week trial. Michel received her undergraduate degree magna cum laude from the University of Alabama in 1986. She has earned her juris doctor degree from the University of Alabama School of Law and was admitted to the State Bar in 1989. She is a member of the American and Mobile Bar Associations and holds an AV peer review rating from Martindale-Hubbell.



**Ashley E. Cameron** received her JD in 1999 from the University of Alabama School of Law. She holds a BA in History from the University of Alabama and an Advanced Diploma from Benjamin Russell High School. From December, 1999 to February, 2001, Ashley served as an Assistant District Attorney in the Baldwin County District Attorney's Office. From February, 2001 to October, 2003, she served as Assistant District Attorney for the Mobile County District Attorney. She joined

Lyons, Pipe and Cook, a Mobile law firm, in October, 2003 where she stayed until December, 2007. Since January, 2008, Ashley has practiced as a solo practitioner in Mobile. She is a member of NACDL, the Alabama Bar Association Family Law Section, ACDLA, the Mobile Bar Association Criminal Law Section and the Mobile Criminal Defense Lawyers Association. She is a member of the Junior League of Mobile, the Dauphin Way Child Development Center Board of Directors and the Christ Church Cathedral. Ashley is a native of Alexander City, Alabama. She has lived in Mobile since 1999 and is married to Mobile criminal defense attorney, John White. They have a 3 year old son, Jimmy, and three step-children (Katherine, 17; Jack 12; and Suzanne, 9).

**PAUL A. YOUNG, JR., Enterprise  
DISTRICT V VICE PRESIDENT**

*Serving Barbour, Coffee, Covington, Dale, Geneva, Henry and Houston Counties*



Enterprise attorney **Paul A. Young, Jr.**, is a 1979 graduate of the University of Alabama School of Law. He has practiced law in Coffee County for most of this 30-year-career. Paul has received a number of awards and accolades for his achievements as a criminal defense attorney. In 1994, he received the State Bar's prestigious Clarence Darrow Award for unselfish service in the field of criminal

law. In 2009, Paul received ACDLA's highest honor, the Roderick Beddow Award. He has also received two Presidents awards from ACDLA. Paul served as president of the Coffee County Bar Association from 1987 to 2003 where he has been recognized for his fifteen years of service as bar president. His solo practice specializes in criminal defense, domestic relations and personal injury.

**R. HAYS WEBB, Tuscaloosa  
DISTRICT VI VICE PRESIDENT**

*Serving Bibb, Fayette, Greene, Hale, Lamar, Marengo, Perry, Pickens, Sumter, Tuscaloosa and Walker Counties.*



**R. Hays Webb** is a former Marine, serving his country from 1985-1989. He is a graduate of The University of Alabama School of Law and was admitted to the Alabama State Bar in 1997. From 1997 until 2001, Hays served as a Public Defender in the Tuscaloosa County Public Defenders' Office. In 2001 he became a partner in the Tuscaloosa law firm of Turner, Webb and Roberts. Hays' practice areas include DUI/DWI, criminal law, personal injury

and family law. He has spoken at numerous seminars around the state for Alabama Bar Institute for Continuing Legal Education (ABICLE) and Alabama Criminal Defense Lawyers Association (ACDLA). He is an active member of ACDLA, the National Association of Criminal Defense Lawyers (NACDL), the Tuscaloosa County Bar Association, the National College of DUI Defense, as well as the Alabama State Bar.

**ALLISON TAYLOR, Tuscaloosa  
Tuscaloosa County Public Defenders Office  
PUBLIC DEFENDER REPRESENTATIVE**



**Allison Taylor** joined the Tuscaloosa County Office of Public Defender as an Assistant Public Defender in 2003. She received her undergraduate degree from Samford University in Birmingham, Alabama and is a cum laude graduate from the Cumberland School of Law. At Cumberland, Allison was awarded a Presidential Scholarship, the Vines Scholarship for Trial Advocacy and the Starnes & Atchison Trial Advocacy Scholarship. She was named the Chief

Judge of the Trial Advocacy Board and was selected as a member of Cumberland's National Trial Teams. She was also a Research and Writing Editor of the *American Journal of Trial Advocacy*. Allison was named to the Order of the Barristers in 2003. As an attorney, Allison's practice has included misdemeanors and DUIs as well as felonies and capital litigation. She is an alumna of the National Criminal Defense College in Macon, Georgia and the Death Penalty College in Santa Clara, California. Allison has returned to Cumberland to judge trial advocacy competitions and assist National Trial Teams in preparation for their competitions. ●

# ACDLA HONORS MEMBERS AT ANNUAL AWARDS LUNCHEON

**E**ach year at the Annual Awards Luncheon held in conjunction with the Summer Seminar, ACDLA honors members who have made outstanding contributions to the growth of ACDLA or for top criminal defense work. The following persons received recognition at the June 19 luncheon in Pensacola:

## RECEIVING MERIT AWARDS FOR TOP CASE WORK WERE:

### ERIC C. DAVIS, DOTHAN

A capital case is one of the most difficult you will encounter in your career as a criminal defense lawyer. ACDLA member Eric Davis worked hard on the Lorenzo Stanley case. For this capital case, the client was willing to go all or nothing and Eric with his co-counsel was able to get a verdict of "not guilty." Savings the lives of our clients is the epic of criminal defense work.

### DARYL EUSTACE AND PARKER EDMISTON, SCOTTSBORO

Their win in Jackson County was a result of many hours of hard work. They overcame seven alleged confessions in this case, winning the first murder acquittal in a generation. Daryl and Parker have thanked the members of ACDLA for their support on the listserv and have lauded it as a key tool to help them win.

### CHRISTOPHER THIGPEN, TUSCALOOSA

ACDLA Member Christopher Thigpen got a manslaughter verdict in a capital case in Hale County. The defendant was convicted of assorted other offenses, but not the big one.

### ROBERT TUTEN, HUNTSVILLE

Robert received two acquittals on all counts of a Bank Fraud case in Federal Court before Judge Clemon. Two counts went out on motion and the remaining five were Not Guilty.

### MARY TURNER, TUSCALOOSA

Mary received a Not Guilty verdict in an attempted murder case in Tuscaloosa County. Cordero Conner was accused of shooting another high schooler at a party at a local hotel. He was there, along with a group of other boys. The victim was shot in the back and hospitalized. During the course of his stay at the hospital, the victim

wrote the names of several people who he claimed shot him. None of the witnesses could place Cordero with a gun at the party. The victim was hostile to Mary on the stand. He refused to answer her questions and denied his own hospital note writing. Despite the many obstacles of this case, Mary won a Not Guilty verdict for Cordero.

### STEVEN MONEY, TUSCALOOSA

Steve has the distinguished privilege of winning six "Not Guiltys" in a row in Tuscaloosa County. According to some folks there, that's a first.

### EVERETT WESS, BIRMINGHAM

Everett was appointed to a Federal drug conspiracy case. The Feds insisted they had his client's voice recorded on tapes making drug buys. Everett persisted this was "not" his client. He hired a voice identification expert who testified that based on his findings, his client was not the same person on the recordings. The voices simply did not match. Everett's commitment to the case won his client a dismissal despite the magistrate's objections to the expenditures which ultimately proved his client's innocence. Kudos to Everett for his diligence in winning justice.

### JOE VAN HEEST AND RICHARD KEITH, MONTGOMERY

A Montgomery County jury recommended that Mario Woodward serve life in prison without parole for the brutal execution style murder of Montgomery policeman Keith Houts. After four hours of deliberation, the jury voted 8-4 that Woodward should receive LWOP rather than the death penalty for two capital murder convictions. DA Ellen Brooks is still reeling from this phenomenal jury verdict.

*The Presidents Award is given to those members who have made outstanding contributions to the Association. The following persons received Presidents Awards during the ceremony:*

### JOHN LENTINE, BIRMINGHAM

John is a long-time member of ACDLA and former leader. He has dedicated many hours of his time teaching, leading and serving as a mentor on the ACDLA listserv to members who ask for assistance in cases.

**PATRICK TUTEN, HUNTSVILLE**

Patrick has worked for several years as ACDLA's representative on the Indigent Defense Commission Task Force. In this capacity, Patrick has had the tremendous responsibility of communicating the work of the Task Force to ACDLA's Legislative Committee, trying to find common ground to negotiate the best possible indigent defense legislation Alabama can afford. The task has not been an easy or popular one for Patrick. To say this has been difficult would be an understatement.

**KATHRYN KING, CULLMAN**

Our Amicus Committee stays busy. As Chairperson, Kathryn has always been there when ACDLA needed leadership on this vital committee.

**MICHAEL HANLE, BIRMINGHAM**

ACDLA has worked for months to put together its document library at the website. Thanks to the generosity of member Mike Hanle, many new documents could be loaded to get the library off to a good start. Mike continues to remind members of the library and extends the courtesy of offering samples of his motions and briefs to members in need on the listserv.

**JIM ROBERTS, TUSCALOOSA**

When Jim was appointed "Lifetime" Legislative Committee chairman, it was done tongue in cheek. Now that we've been through another session, Jim feels he has spent a lifetime working on ACDLA legislative matters in just four months this year. He has done a yeoman's service as Legislative Chair this past year on the expungement bill and the Indigent Defense legislation.

**PATRICK MAHANEY, MONTGOMERY**

Patrick has become the professional standard in DUI defense for ACDLA. He has devoted hundreds of hours compiling DUI materials for books and presentations to benefit ACDLA members around the state. Patrick receives accolades from seminar attendees for his fine presentations. In addition, he has generously donated portions of the sale of his DUI handbook to ACDLA. Patrick has become our "go-to guy" on the listserv for DUI information.

**JOHN MAYS, DECATUR**

Another ACDLA member/author is John Mays. For years now, John has written numerous publications which are sold to benefit ACDLA. His most recent publication, "Search and Seizure" is now updated and ready for sale. John writes in between teaching and representing capital cases, some of the most notable in Alabama history. He

has already received ACDLA's highest honor, the Roderick Beddow Award, but it was important to recognize John's continued commitment and support of ACDLA.

**RICHARD JAFFE, BIRMINGHAM**

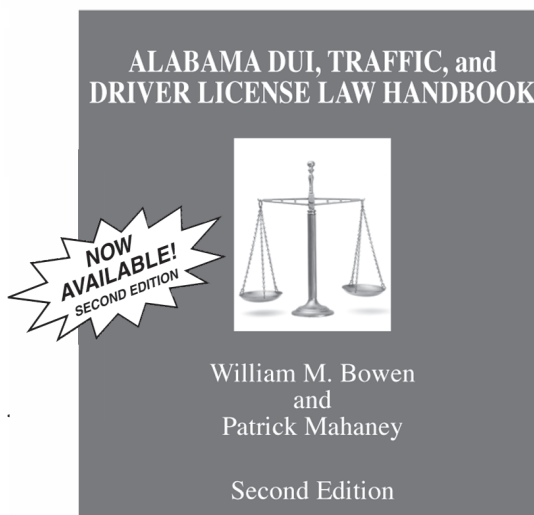
Richard is no stranger to ACDLA members. He too has received ACDLA's highest honor, the Beddow Award. This year ACDLA presented Richard a President's Award for his efforts in putting together one of our most successful death penalty seminars ever. He and John Mays have proved to be a winning team that we're proud to have on our side.

In addition, ACDLA recognized its two newest Lifetime Members **Spence Singleton** of Eclectic and **Terry Luck** of Montgomery for their financial commitment to ACDLA.

*Congratulations everyone!*

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## WAYS TO MARKET THE TRUTH – QUESTIONS FOR MOCK JURORS

By Inese A. Neiders, Ph.D., J.D.

**A**lthough mock juries are most often used to evaluate cases for settlement purposes, the mock jury is used to enhance the presentation skills of trial attorneys. The following is a general checklist to evaluate expert witnesses as well. Ask the mock jurors to please rate from 1 (lowest) to 10 (highest). Use this as a guide in your own practice to enhance your presentation skills.

1. Interested in the client and case.
2. Knows the law and other fields related to the case.
3. Communicates well.
4. Is well-prepared.
5. Is well-organized.
6. Speaks clearly and audibly.
7. Presents the materials at an appropriate level.
8. Presents the materials at an appropriate pace.
9. Is free from distracting mannerisms.
10. Uses good examples.
11. Clarifies difficult concepts.
12. Demonstrates the importance of critical aspects of the case.
13. Treats others fairly.
14. Summarizes important concepts to aid retention.

\*This is an excerpt from a paper presented at an ATLA meeting in Tuscaloosa, Alabama.

**Inese A. Neiders, Ph.D., J.D.**  
**Jury Selection and Trial Preparation**  
 25 E. Henderson Road, Suite 2  
 P.O. Box 14736  
 Columbus, OH 43214  
 (614)263-7558  
 jury.Neiders@core.com  
 www.juryselectionexpertise.com

## OPEN LETTER TO THE MEMBERSHIP Bar Voucher Request Letter – This communication was posted to the ACDLA listserv on July 24, 2009

Dear Members:

A small group of board members from throughout the state met with Tony McLain and Sam Partridge with the Alabama State Bar yesterday [July 23.] Mr. McLain began the meeting by detailing the history of the Indigent Defense Commission bill from its origins to its defeat in 2009. After the bill's defeat in 2009, then Bar president, Mark White, asked the Disciplinary Commission to solicit this information from attorneys.

McLain stated that the recent request from the Bar stemmed from concerns about rising costs of indigent defense and disparities between circuits. Representatives from the Bar feel that the public will soon become aware of the figures that they have received from the Comptroller's Office and want to have some answers when the media comes calling. They initially looked at several different ways to get some information in a manageable form. They eventually settled on asking people who made over \$100,000.00 in indigent billing last year because that figure gave them a number (around 95) that they could realistically review. This includes all types of indigent cases. They are aware that some may have gone over this amount because of overhead payments. Tony McLain again stressed that there is no particular agenda other than gathering information. He realizes that providing this information within thirty days may be a burden on some of the individuals asked. He will be glad to talk to anyone who needs an extension. **All you have to do is call him.**

McLain stated that the reason the letter came from the disciplinary office was to protect the privacy and confidentiality of those asked to provide the information. No specific investigations have been opened. Open cases actually get a unique case number. That being said, however, the Bar feels that it has the authority to ask for this information. All they are requesting at this point is the same documentation that you sent in to the Comptroller's Office with your fee declaration.

Mr. McLain stated that he believed that a refusal to provide it could be considered a violation of Rule of Professional Conduct 8.1(b). He did say that they are not looking to prosecute or discipline anyone; however, if evidence of wrongdoing is discovered, the bar has an obligation to investigate and discipline if appropriate. He also indicated that criminal conduct would have to be reported.

Finally, this Association has no avenue to prevent the Bar from gathering the requested information, nor do we think it good policy for the ACDLA to attempt to do so. If, when the documents are eventually obtained by the Bar, there is any conclusive evidence of fraud or other ethical (and possibly criminal) transgressions by any member or members, the Association may be seen to have in some way colluded to conceal such information. This Association does not now, and never has condoned fraudulent or unethical indigent billing practices by any member. On the other hand, we are sympathetic to the concerns of membership and will continue to attempt to gather and disseminate as much information as we can regarding this matter.

Kathryn A. King, President  
 kaking@hiwaay.net



# MEMBERSHIP APPLICATION

## 2009 New Member/Membership Renewal

**\$100 – New Lawyer**  
(Member of bar less than 3 yrs)

**\$185 – Regular**  
(Member of the bar 3 yrs or more)

**\$600 – Presidents Club**  
(Free Registration – Summer Seminar)

**\$7,500 – Lifetime membership**  
(\$7,000 lump sum or \$1,500/ then \$1000/yr;no more dues or registration fees for events!)

**IMPORTANT: ACDLA is a 501(c)(6) non-profit organization. Approximately 20 percent of these dues ARE NOT tax deductible as business expenses because they relate to ACDLA’s lobbying and political expenses.**

**Check membership category above. Complete this form and fax it toll-free to: (866) 665-7522.** Or, you may print and mail this form, along with your check, to: ACDLA, PO Box 1147, Montgomery, AL 36101.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Declaration of Employment:**

I am not employed in any way by a law enforcement agency, a District Attorney or as a full time judge.

Signature: \_\_\_\_\_

**Authorization to Communicate:**

I give ACDLA permission to communicate with me via US mail or by electronic format (including email and facsimile) information regarding membership, CLE events and other information related to criminal defense work.

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**This membership will expire on December 31, 2009.**



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*The following persons were elected to serve as officers and board members ACDLA at the 2009 Summer Seminar and Annual Meeting:*

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