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# LETTER FROM THE DEAN



Thomas Vaughn Bouton. Born in 1867 in Tippah County, Miss., at age 17, she married Dr. William Paisley Bouton, who was 20 years her senior. In 1902, they moved to Lebanon, Tenn., with their three sons, who enrolled at the newly established Castle Heights Military Academy.

The doctor retired from medicine and used his newfound leisure as an occasion to study law at Cumberland University. Mildred, then age 35, agreed that studying law at nearby Caruthers Hall would be interesting. She and her husband studied together and practiced in the moot courts. Family lore holds that her grades were higher than his. While neither practiced law, the education helped in business dealings, and aided Mildred in her passion for genealogy and the preservation of historical records.

Other women may have been enrolled in the early years, but university records often only recorded first initials and last names. The class of 1906 had two female names: Edith Likens and Lena K. Vaughn.

As in many areas, Cumberland University was ahead of its time. While the Supreme Court of Tennessee opened its bar to women in 1907, Cumberland University's early rival, Harvard University, did not admit women to law classes until 1950. The 1922 catalog made it clear that women were welcome at the law school, declaring "Women are admitted to the same classes with men as students."

A small but steady stream of women attended the little school in Lebanon. The parents of former Dean Parham H. Williams both graduated from Cumberland University in 1925. Richard and Margaret Peters enrolled in 1930 and Mrs. Peters remembered there were several women in her class, but she was the only married one. She enrolled through the "family plan," which allowed a spouse to attend for one-third of regular tuition. According to Profs. Howard Walthall and David Langum in

Women have a long and distinguished history at Cumberland. Records are a bit unclear about who was the first woman admitted, but it seems to be Mildred

their history of Cumberland School of Law, *From Maverick to Mainstream*, this was a way the law school facilitated the education of women, years ahead of most other schools.

Though the Lebanon years opened the door for women students, the Birmingham era has seen a significant rise in the number of women students and their role in the law school. Elizabeth Eshelman, a 1944 graduate of Howard College (now Samford University) enrolled as the first female law student at the Birmingham campus. She graduated in 1964. In 1967, Audrey Lattimore Gaston, wife of the grandson of businessman and civil rights leader A. G. Gaston, was the first black student admitted to Samford. In 1970, she became the first African American to graduate from the university or the law school.

In 1965, Janie Shores was the first female law faculty member in Alabama, and in 1967, Annette Dodd joined as librarian. Today, eight women serve as full-time faculty members, three as department directors and two as assistant deans of the law school. Enrollment shows 41% of the first-year class and 46% of the total population as female.

The 1980s and 1990s saw the emergence of women in leadership roles. Today, journal editors in chief, the chief judge and chief justice of the advocacy boards, the Student Bar Association president and the National Alumni Association president are just as likely to be women as men. Three of the four members of the National Championship Trial Team this year are women.

For this issue, Prof. Mark Baggett interviewed more than 30 alumnae. These interviews have been captured in a narrative that weaves their experiences over the four decades the law school has been in Birmingham, while reflecting the breadth and depth of a diverse alumnae base. It is not possible to include them all, but we hope the ones we share adequately represent all who serve in so many remarkable ways.

To those who opened their lives to us, we thank you. To those who represent the school and profession in such outstanding ways every day, we thank you, too.

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



# A Brush with the Law

## Artist and Lawyer Martin Masters Both Mediums

*The artwork of Lanny Martin '89 is represented in private collections as well as several law firms.*

If a life can be viewed as a canvas, then **Lanny Martin '89** is a canvas with many layers. Her life painting has undergone many transformations, and the unique outcome is appreciated by many members of the Cumberland School of Law community.

At 41, Martin taught art, journalism and photography in the Birmingham City School system. She worked hard to build students' self-esteem. "I encouraged the students to do projects that would incorporate something about themselves," she said. "They were talented students with great potential, and I tried to instill in them my belief that if they worked hard, completed their education and continued to seek achievement, they could participate in the American dream."

Martin began to wonder why she did not apply those lessons to herself. She was living at the far edge of the American dream and hoped for more. She saw something beyond her career as a teacher when she walked by the apartment of her young neighbor, **Rob Broussard '85**, and saw him buried in his law books. Martin wondered what he was doing.

"He seemed to have such purpose, and

he was so interested in his studies," she said. "My desire to do something more with my life, to have more options and possibilities, forged my decision to go to law school," she said.

Lawyers Andrea and Al Pennington—Andrea is a Family Court referee and Al is a practicing attorney in Martin's hometown of Mobile, Ala.—encouraged Martin's growing interest in law school, as did her brother, Ben. Martin explored possibilities with a therapist, hoping to resolve potential issues about making such a radical decision. Her therapist became a cheerleader for her to reach for this new goal.

In the summer of 1986, Martin enrolled in Cumberland School of Law, one of about two dozen women in a class of 250, where students ranged from their early 20s to their 60s. The law school fulfilled her hopes and her life transformed. The quiet, shy art teacher, fearful of speaking, became a voluble, driven law student.

"I met remarkable and wonderful people at Cumberland," she said. "The professors were so dedicated to me and to all the students. Professors Howard Walthall, LaVone Warren, Annette Dodd and many others—all were personable and hard-

working while providing a meaningful challenge for the students." Martin also built life-long friendships with some of her fellow students.

When she entered law school, Martin stopped her life as she knew it. She quit painting and developed the compulsive personality common to many good law students. She made time, however, to work for another encouraging friend, Tom Crawford. She researched land titles in his title insurance company, with an eye toward becoming an environmental lawyer. West Publishing published her case note on environmental law written for the *Cumberland Law Review* in 1989.

One day, Martin received a call from **Judy Crittenden '70**, who with her partners, **Belle Stoddard '78** and **Glenda Cochran '82**, was looking for a law clerk to write appellate briefs. Martin began the clerking job the next day.

"Judy, Belle and Glenda were all gracious and generous to me during that first year as a law clerk," said Martin. "Of course, I was quite happy to know that I had a job waiting for me as I approached

*continued on page 2*

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the bar exam that summer of '89. I remember going to Montgomery for the bar exam and receiving several much-welcomed packages filled with refreshments, photographs and well-wishing cards from Judy and all her staff at the firm."

After finishing the bar exam, Martin immediately began a painting on a 4-foot canvas. It depicted a brick wall with an archway and a path of garden greenery and foliage in the distance, a passageway representing the one Martin had created in her life. She began to practice law and delved "deep into a demanding career more arduous than law school." Once again, her painting stopped.

When the firm shifted its focus to the practice of family law, Stoddard and Cochran left the firm, and Crittenden hired Martin for the family law firm. Martin was a partner in the firm for 10 years, where she achieved Martindale-Hubbell's "AV" status of "pre-eminence" in law practice by vote of her peers.

After 15 years of intense law practice, Martin began to realize a personal cost. She

expended much of her resources, energy and endurance while involved in the day-to-day grief of families in distress. "I longed to paint but also to maintain my connection to the legal field I had worked so hard to achieve," she said. "I thought I could do so through continuing legal research and writing. I was a painter before I was a lawyer, but to be both would be ideal."

In January 2003, Crittenden and Martin agreed that a time for change had come. Martin left to begin an anticipated appellate practice in family law. Just as she embarked on this new endeavor, the Alabama Supreme Court ordered appellants in divorce cases to first submit to mediation before filing briefs. Even though she believes that mediation is a beneficial part of the legal process, this decision effectively brought Martin back to the intense conflict she no longer wanted to sustain.

Crittenden invited Martin to assist in writing a treatise on family law and divorce in Alabama. It was one of the most challenging projects Martin ever encountered. She worked with Crittenden and others in the firm seven days a week, late into the nights. Martin counts this remarkable project as one of her most memorable experiences in the field of law.

Martin maintains her law license and is available to assist in legal research and writing for other lawyers. She resumed painting and holds quarterly shows at a studio/gallery that she shares with commercial and fine-art photographer Caroline Davis. Martin's subjects are diverse—seashells, the Gulf of Mexico, huge camellias,



*Martin's paintings are memorials to places and things close to her heart.*

the human figure, abstracts, Caribbean reef fish and ancient architectural facades.

Many of her friends from the legal field collect her paintings, and she is represented in a number of private collections, as well as several law firms. "This is a true honor for me, as a painter, to have my work represented in places such as the Crittenden Firm; Bradley, Arant, Rose and White; Merrill Lynch; and a number of friends', individuals' and attorney's homes," Martin said. She is represented as a painter at the Grayton Beach House of Art in Grayton Beach, Fla. She also has several paintings on exhibit and for sale at the Interiors Market at Pepper Place in Birmingham.

Martin's life canvas is complete, and she could not be happier with the finished product. Her paintings possess the same imagination and reflection she encouraged in her students long ago, and she, too, has followed her dream. Her artistic philosophy, "evidence of life is in all things," is embodied in each of her works. She leaves the interpretation of each painting to the viewer, but one thing cannot be disputed: Martin is a master in whatever medium she uses. ♪



*Martin manages to balance both a legal and an artistic career.*

# Music Major Roby Finds Way to City Council

**M**artha Roby '01 became an expert on marital privilege just a few months out of law school. The plaintiff's firm where she worked, Copeland, Franco, Screws & Gill in Montgomery, Ala., was involved in a case where her husband's firm, Balch and Bingham, was on the opposing side. **Riley Roby '00** was not involved in the litigation, and the privilege—and the marriage—remained intact.

Despite warnings about two-lawyer marriages, Roby's experience never altered her sensible advice: "Marry someone you're in love with," she said.

Martha and Riley met in the fall of her first year at Cumberland School of Law. Their first date was on New Year's Eve, when Riley cooked dinner for a group of friends. Martha arrived late, having just flown back from visiting friends in New York, but Riley graciously forgave her, and they have been together ever since. They now have a 3-year-old daughter, Margaret.

A native of Montgomery, Roby was a music major at New York University. She was considering enrolling at Brooklyn School of Law to pursue a career in entertainment/music law but decided to attend Cumberland School of Law instead. While she claims she was probably the least likely of her siblings to go to law school, her decision excited her father, **Judge Joel**

**Dubina '73** of the Eleventh Circuit, U.S. Circuit Court of Appeals.

"He influenced me, of course," Roby said, "but he never pressured me. He was definitely pleased to have someone to talk to about the law and to debate the issues with. I had two professors at Cumberland—**Frank Donaldson** and **Bo Cole**

'66—who had taught him, and he was always asking me, 'Are you studying?'"

In the summer after her second year of law school, Roby went to Nashville, Tenn., to work at Sony, Inc., as an intern. She quickly realized that making coffee for free concert tickets no longer had the same appeal as it did in college. She decided that the nonprofit sector involving music might be a better fit.

It was a few years before her interest in public service came to fruition. She got married (Riley spent a year at the University of Florida getting his LL.M. in



*Martha Roby '01 and her husband, Riley, have a 3-year-old daughter, Margaret.*

any political experience, but things have a strange way of working out."

Roby was elected in 2003, re-elected in 2007 and is currently the only female member of the city council.

Roby says her law degree is priceless. "My peers pay more attention when I speak up, especially when we are dealing with the legality of ordinances and constitutional issues resulting from our decisions," she said. "Not that I'm an expert on all these things, but I find myself using my legal knowledge all the time."

Roby does not diminish the foundation that was laid for her and other recent law graduates by the previous generation, but she says issues are different for women lawyers today.

"I don't think there is any lack of appreciation for the women that have gone before us, and there are definitely still gender issues that need to be addressed, but it's a different world now," she said. "I do not spend all my time fighting gender battles in my work. As long as I am doing my job, working hard, representing my constituents well, and taking care of my family, then I am doing what I am supposed to do." ♡



*Roby, center, is surrounded by fellow Montgomery City Council members.*

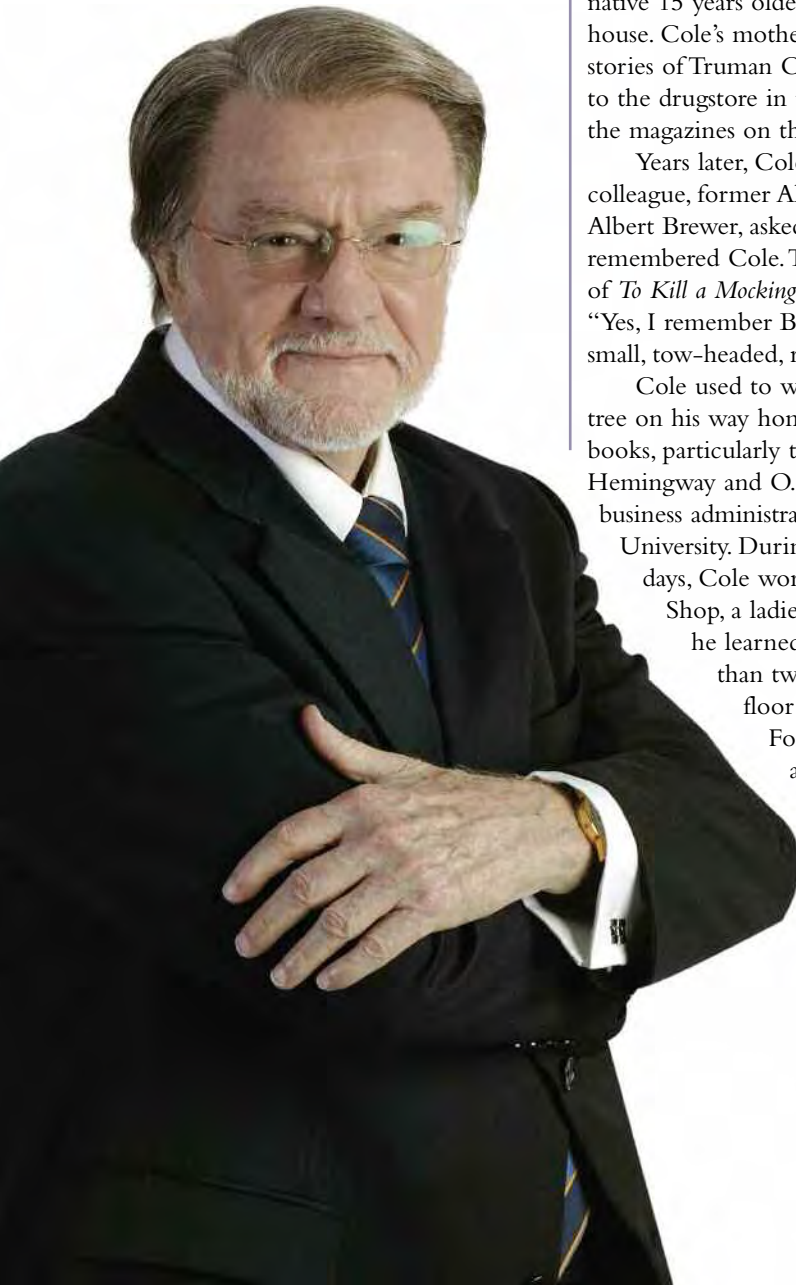
tax), and she worked for a Montgomery law firm for two years. One night, the couple was watching the news and the longtime Montgomery City councilor who represented their district announced she was retiring.

"My stomach did a double-back flip, and I told Riley that I thought that I should run for the city council," Roby said. "I ran without

After years of dedicated service to students, alumni and community of Cumberland School of Law, the faculty and staff members highlighted on these pages have decided to put away their alarm clocks and enjoy a much-anticipated retirement. They have forever touched the lives of so many and have made a lasting impression on the halls of Cumberland School of Law.

# The “Small Person” from Monroeville Leaves a Legacy

Growing up in Monroeville, Ala., **Charles “Bo” Cole ’66** enjoyed an idyllic life hunting and fishing at his grand-father’s place on the old road to Mobile. That lifestyle was light-years removed from his later professional career



and his travels to Great Britain, Japan, Russia, Ukraine and Brazil.

Even in Monroeville, however, there was something about Cole that attracted the attention of local prominent people. Harper Lee, another rural Monroe County native 15 years older, would jog by his house. Cole’s mother used to tell him stories of Truman Capote, who would go to the drugstore in the morning, read all the magazines on the rack, and then leave.

Years later, Cole’s friend and colleague, former Alabama Governor Albert Brewer, asked Harper Lee if she remembered Cole. The well-known author of *To Kill a Mockingbird* smiled and said, “Yes, I remember Bo Cole. He was a small, tow-headed, red-headed person.”

Cole used to walk past Boo Radley’s tree on his way home. He devoured books, particularly those by Ernest Hemingway and O. Henry. He majored in business administration at Auburn

University. During his undergraduate

days, Cole worked at the Polytek Shop, a ladies’ specialty shop, where he learned not to have more than two pair of shoes on the floor if he wanted a sale.

For a time, he worked as a manufacturer’s representative and enjoyed some success, but he knew he wanted to have professional interests other than industrial sales.

His uncle, DuBose Cole, encouraged him to take the LSAT, and Cole soon faced the choice between

Cumberland School of Law, which had recently relocated in Birmingham, or Stetson University College of Law in Deland, Fla. Because he wanted to practice in Alabama, Cole chose Cumberland in a “defining moment.”

Cole’s public life has revolved around defining moments, including the law school, where his introduction to the world of ideas really began, and where his intellectual passions matched the profession.

“Law school defined me in the sense of having an interest in excelling to the fullest extent of my ability,” he said. “It was a maturation process. I kept thinking that I had to study and keep up. At the time, I just wanted to do well enough to become employed.”

Cole developed close friendships with faculty members Claude Bankester and Dean Arthur Weeks. They noticed Cole’s acumen for the law and invited him to join the faculty as soon as he graduated in 1966. Though he had worked at the Birmingham firm of Porterfield & Scholl during his studies and expected to return after taking the bar, Cole joined the law school faculty after a short time practicing law, enjoying his ability to reflect on cases that he would have had to rush through in a trial setting.

For three summers, Cole went to New York University to finish an LL.M. as a faculty fellow, attending faculty functions and receptions. As he studied the curriculum, the seeds of his Master of Comparative Law program at Cumberland School of Law started to germinate.

In 1971, Howell T. Heflin, then chief justice of the Alabama Supreme Court and later a senator, appointed Cole to be executive director of the Permanent Study



*Bo Cole and his wife, Nancy, attended a reception honoring his retirement in April.*

Commission on Alabama's Judicial System, which was studying judicial reform in the state. Cole also served pro bono as the secretary for the Judicial Commission of Alabama during the time he devoted to Alabama judicial reform. While he was still teaching at the law school, and then later on loan to the Alabama Department of Court Management, he continued his work as director on the Permanent Study Commission on Alabama's Judicial System until becoming the director on the Advisory Committee on Alabama's Judicial Article Implementation. This committee recommended the constitutional implementation policy for Alabama's judicial article, approved by the Alabama electorate in 1973, which was quite progressive at the time.

His growing expertise in the court system and in constitutional law led Cole to Denver to the National Center for State Courts, and then to Williamsburg, Va., upon the center's relocation. In Williamsburg, he served as regional director for 11 Southeastern states and then as administrative director of courts in Kentucky for two years.

As a result of his experience, Cole is admitted to practice before the Supreme Court of the United States, United States Court of International Trade, United States Court of Appeals for the Federal Circuit, the Federal District Court for the Northern District of Alabama and the Alabama Supreme Court as a member of the

Alabama State Bar Association.

At a legal conference, Cole ran into Dean Corley, who asked him, "Aren't you about ready to come back to Birmingham and teach?" For Cole, the timing was perfect, and the answer was "yes."

The rest was history, and Cole's lengthy résumé is filled with awards, commendations, presentations and appointments, not only at the law school and the Alabama Bar Association but by bar associations in Europe, Brazil and Russia. He has written more than 40 articles and books relating to legal matters. He has won the Outstanding Professor Award multiple times at the law school, and was named the Lucille S. Beeson Professor of Law in 1993. He became director of international programs for Cumberland School of Law in 1995.

He frequently lectures in South America on topics relating primarily to constitutional law. An expert in comparative constitutional law, Cole is scheduled to speak at the three campuses of the Faculdades Metropolitanas Unidas Law School in São Paulo, Brazil, and to present a paper on "Prosecutors and Judges in the Federal System of the United States Compared to a State Prosecutorial and Judicial System" to São Paulo judges and prosecutors in October 2008. During his visit, he will recruit students for the law school's Master of Comparative Law program, which annually attracts students from Brazil.

Cole's expertise on constitutional and judicial reform is indelible, but the heart of his career has always been in the classroom. He set incredibly high standards for himself, standards that would be difficult for anyone to meet.

In 2006, Cole began to experience difficulty achieving his own standards. "I didn't feel well," he said. "I had been strong and durable for a long time, but all of a sudden, I just didn't have the stamina." He saw a physician, who discovered a tumor.

"The cancer affected me terrifically," he said. "It was not an easy operation to remove the tumor; I almost died. But I'm back exercising, and I'm hopeful that I will get my stamina back to where it was."

Most colleagues and students have not noticed any loss of stamina. With his work ethic still on display, Cole puts in a full day writing, researching and teaching students.

When students are engaged, those moments transcend all other achievements for a teacher such as Cole. "When the class goes well and you're not deluding yourself that it has gone well, when a student responds to the opportunity to engage you, those are my most memorable moments," he said.

Retiring at age 70, Cole has taught 37 years of Cumberland students. They remember him in their own ways, perhaps as the distinguished professor in the corner office who always addressed visitors as "my friend," or the professor with the Southern gentleman's voice that not only commanded attention in class but also kept generations of law students awake at night. Surely all will picture the man with a neatly trimmed beard, a man who was consistently occupied with a stack of books and a manuscript. 📖

# Clapp Oversaw Library Expansion, Writing Program

Laurel R. “Becky” Clapp was a young girl when she overheard her father telling her brother and his friends to go to law school if they wanted to have a good, steady, reliable career.

“I’m the only one who did it, and he wasn’t even talking to me,” she said.

Clapp attended Mercer School of Law in Atlanta, Ga. After graduation, she interviewed for a job with law publishers. What was available in 1969 to many female law graduates were little more than secretarial positions.

“They had two openings, and they were offering \$5,600 a year,” Clapp said.



“After three years, it increased to the grand total of \$6,000. The director of the law library at Mercer, Leah Chanin, heard of this, and she heard that they were only interviewing women for the position, so she gave me the wonderful advice to enroll in the University of Washington Law Librarianship program in Seattle. I went there and got a master of law librarianship degree. One year later, I took a job at Texas Tech University as assistant law librarian for a salary of \$11,000.”

Clapp liked living in Lubbock, but she was traveling to Alabama to visit her parents a great deal, and she began to call law schools in the Southeast to ask about director positions. The first school she called was Cumberland School of Law, and the director told her, “As a matter of fact, my job is coming open.” She interviewed in December and started work June 1, 1975.

At Cumberland School of Law, Clapp has been at the center of law school’s growth and development, starting with the Lucille Stewart Beeson Library, a beautiful, four-story facility built in 1995 with more than 200,000 volumes in its collection. As professor and law librarian, Clapp oversaw the expansion of the library and its professional staff. In 1975, there were five librarians, including the director and one full-time support staff. Nursing students were relied upon to do the technical processing of stamping and updating the volumes.

“Maybe the most significant thing I have tried to do is to add staff,” Clapp said. “We have added six full-time staff, two librarians and two reference librarians, and we’ve made the operation more efficient.”

By 1995, the school had a strong basic collection of law volumes. However, it seemed that every time the library expanded, the facilities were inadequate by the time they were built. “It always seemed like when we had space, we didn’t have the funds to buy the treatises and periodicals, and when we had the funds for books, we didn’t have space,” Clapp said.

Clapp was instrumental in the

planning of the new library, particularly the layout, which used the aesthetics of an architect from Indiana, the direction of law school and Samford University administrators, and the recommendations of a committee that included retired dean Mitzi Davis, and former professors Carolyn Featheringill and David Langum.

For many years, Clapp taught the legal writing program. Classes were so big—320 students one year—that they had to be divided over the fall and spring. A Cumberland Research Board of second- and third-year students aided in research assignments and performed a research service for the Alabama Bar. When Parham Williams became dean in 1985, the emphasis changed to writing.

Clapp has been part of the evolution of law schools through the years. She saw Vietnam veterans return from the war to study law. “They were serious students,” she said. “They treated law school like going to work.” She watched as territorial disputes over a few photocopy machines dissipated with the advent of the electronic age of legal research. “Our first Lexis terminal was like a small organ against the wall in the typing room and took all the space,” she said. In those early days of Lexis and Westlaw, Clapp spent hours helping students find the cursor, a new concept to everyone.

Clapp retired in spring 2008. She looks forward to having more time for photography and her fountain pen collection, and to travel. She and her brother inherited their grandparents’ home in Brooklin, Maine, near Bar Harbour, and she spends three weeks of the year there. A few years ago, she went to Bermuda at Christmas and fell in love with the former British island. She plans to return to a charming hotel on the island, a discovery featuring close proximity to local shops and tea in the afternoon. She says she is glad to escape the tyranny of the semester system, and of course, to be able to read what she wants when she wants, a delight for a librarian.

“People ask me, ‘What are you going to do?’” she said. “I don’t have an answer. That’s the point of retirement.” ♪

# A Weekend to Remember

There is something special about meeting up with an old friend, reminiscing about old times and creating new memories together. Many memories were shared at Alumni Weekend 2008. Alumni and their families gathered at Ross Bridge Resort and Spa April 4–5. All alumni were honored during the weekend's festivities, with special recognition of the classes of '68, '73, '78, '83, '88, '93, '98 and '03.

The much-anticipated weekend began on Friday with the dedication of the Martha F and Albert P. Brewer Plaza in front of the Robinson Hall. The redesigned plaza is a lasting tribute to Governor Brewer and his late wife, Martha, who played an integral part in the development of the law school and in the lives of its students. Already a popular gathering spot, Brewer Plaza ensures that their friendship, charity and leadership toward Cumberland School of Law will be remembered for many years to come.

After the dedication, alumni toured the Lucille Stewart Beeson Law Library and Robinson Hall to view the many advancements the school has made for its students and alumni. The library features the latest research tools for students and practicing attorneys, and is one of the top law libraries in the state. The state-of-the-art electronic courtroom was built for the Advanced Trial Advocacy Course, and the Career Services offices and Moot Court Room have undergone renovation within the past eight years. The generosity and participation of alumni and the wisdom of faculty make improvements such as these possible.

On Friday evening, more than 200 attendees gathered for the annual gala reception and dinner at Ross Bridge Resort to celebrate outstanding alumni and faculty. Following a welcome from National Alumni President **Mark White '74**, Judge John Carroll presented the awards.

**Scott Powell '78** was named the 2008 Volunteer of the Year. A partner at the Birmingham firm of Hare, Wynn, Newell & Newton LLP, his practice includes false claims act/whistleblower litigation, complex commercial litigation, class action, wrongful death and personal injury. Powell served as president of the International Society of

Barristers (2006–07), chairman of the Taxpayer's Against Fraud President's Council and president of the Alabama Trial Lawyers Association. He was named one of the Best Lawyers in America for 2006–07. Powell has served on the law school advisory board since its beginning and recently completed a two-year term as president, where he has facilitated conversations between faculty, students and administration and led the board to undertake the Brewer Plaza project. He has acted on the Cumberland School of Law Strategic Planning Committee and as chair of the Annual fund. He often speaks at the law school, and eagerly engages in discussions with students regarding the law and rights of individuals. He and his wife, Jeanine, have three children, **Taylor '06**; Mary Ashley (Mash), data coordinator for the law school admission office; and Burgin.

**James F. "Jim" Morgan '69** from High Point, N.C., received the 2008 Distinguished Alumnus Award. He has completed almost four decades of public service since graduation, maintaining an active practice of law as managing partner of the firm Morgan, Herring, Morgan, Green, Rosenblatt & Gill, LLP. Morgan completed three terms in the North Carolina House of Representatives. He has served as president or chairman for more than 70 organizations, including the 18th Judicial District, Highpoint Bar Association and the North Carolina State Bar.

Recognized for his business acumen and actively engaged in a number of real-estate enterprises or partnerships, Morgan maintains a full civic agenda. He was founding chair of the High Point Community Foundation and former chair of the Guilford Technical Community College Foundation. He has received numerous awards, including Citizen of the Year, Distinguished Citizen, Humanitarian of the Year and Junior Achievement Business Leaders Hall of Fame. His practice areas include personal injury, probate, wills, trials, zoning and governmental law. An avid gardener, Morgan's latest interest is day lilies. Sandlot volleyball and shag dancing with his wife are his other avocations. He and his wife, Ann, have two children, Lea and Jef.

## Letter from Former Assistant Dean Davis

It is with mixed emotion that I inform you that I retired on May 30, 2008. I have been blessed to be a part of Samford University and have worked with some truly remarkable people during my 20 years of service. My job at Cumberland School of Law has been challenging and rewarding, but what I have treasured most is the opportunity to work with so many talented and energetic graduates. The alumni of this school have made my role in the alumni association a complete joy. You have volunteered to work on reunions, raised money for scholarships and the annual fund, recruited new students, sponsored events, and offered guidance and support. For all of this and more, I will be forever appreciative.



I would be remiss if I did not acknowledge Dean John Carroll for all of the confidence he put in my abilities, and Dean Parham Williams, who initially hired me to work in the admission office. Thanks also are due to Vice Dean Jim Lewis and Mary T. Miller for all of the hours we have spent working to make all of our fund-raising and *fun*-raising events successful!

Mary T. has been named director of alumni relations, and I can think of no other person who is so deserving of this position. She has done a tremendous job for the last eight years as assistant director of alumni, and I know she will continue to work with all of you for the betterment of the school and university.

It has truly been an honor and a privilege to serve as the assistant dean of admission and alumni. Thank you.

Sincerely,



Mitzi S. Davis  
Assistant Dean  
Admission and Alumni

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**Bruce F. Rodgers** was named the 2008 Friend of the Law School. He is a Birmingham native and a graduate of Birmingham-Southern College [BSC] and Vanderbilt University's law school. Now a trustee at BSC, he is also a Rotarian and active member of the Birmingham Bar Association, which he served as president in 2002. As a named partner in the law firm of Bainbridge, Mims, Rodgers & Smith, LLP, his practice areas include shareholder and business litigation, business torts, insurance and corporate law. Rodgers spends considerable time and energy on behalf of Cumberland School of Law. Active in the on-campus interview process, he guides his firm in the selection of prime recruits from the law school. He volunteers with programs to recognize the Lawyer in Residence, solicited funds for the Brewer Plaza Project, brought the Alabama Supreme Court and Appeals Courts to Samford for annual oral arguments, and introduced prospective students to Birmingham. He has perfect attendance at the school's Alabama State Bar Receptions. Rodgers is married to the former Kimberly Justice of Atlanta, Ga. They have two children, Sarah and Matthew.

A special Friend of the Law School Award was given to Assistant Dean **Mitzi Davis** in recognition of her 20 years of service to the law school, particularly to its alumni.

Her career began as a teacher with special-needs children in the Hinds County Mississippi School System. She began her association with the legal profession at the Jackson, Miss., law firm of Watkins, Ludlum, Winter & Stennis, where she initiated and developed the position of director of recruitment and associate development. After eight years with the firm, she was invited by Dean Parham to organize and improve the recruitment program at the law school. Davis' energy and organizational skills quickly increased the applicant pool and reputation of Cumberland School of Law. In the past 20 years, she read more than 30,000 files, signed more than 8,000 admission letters and welcomed more than 4,000 new students. In 1998, Dean Barry Carrier asked her to assume responsibility for the alumni office in addition to the admission office. The alumni program was reinvigorated, and alumni participation grew. Davis and her husband, **Richard E.**

**Davis '89**, are traveling during her retirement, and she is volunteering with the Birmingham Botanical Gardens.

Professors **Beth Burch** (first-year courses) and **Brannon Denning** (upper-level courses) each received the Harvey S. Jackson Excellence in Teaching Award, which recognizes faculty for their outstanding teaching abilities and leadership. This was the fourth year the award has been presented, and it was made possible by a generous gift from **Eddie Jackson '76** and **Richard Fikes '85**. Winners are selected by the dean with input from faculty and students.

The Lightfoot, Franklin & White Faculty Scholarship Award, made possible by the generosity of **Jere White '80** and the Lightfoot, Franklin & White law firm, was presented for its second year. Professor **Bill Ross** was recognized for publishing the most significant scholarly work over the year, *The Chief Justiceship of Charles Evans Hughes, 1930-41*. Winners are selected by the dean of the law school in consultation with the faculty. Professors **Marcia McCormick** and **Beth Burch** tied for the junior faculty award. McCormick published "When Worlds Collide: Federal Construction of State Institutional Competence" in the *University of Pennsylvania Journal of Constitutional Law*. Burch published "Reassessing Damages in Securities Class Actions" in the *University of Maryland Law Review*.

After dinner, guests enjoyed desserts and live music by the Music Caterers on the terrace.

Saturday afternoon, alumni and families gathered for a picnic at Ross Bridge Resort, including a sundae bar and music by The Clammers. Alumni spent the rest of the afternoon left enjoying the amenities of the resort, such as spa treatments and golf.

Saturday evening, class reunion parties were held throughout the city in alumni homes, country clubs and nightspots for more than 300 alumni. Judge Carroll and his wife, Susan, made appearances at each party.

Alumni Weekend 2008 proved once again that the Cumberland School of Law community enjoys many wonderful memories.

Thanks to everyone who made Alumni Weekend 2008 possible. 🍷

## 2008 Reunion Committees

### Class of 1973

Quentin Brown  
Bill Lewis  
Frank Plummer

### Class of 1978

Honora Gathings  
Charles Ingram  
Jimmy Nolan  
Mike Wisner

### Class of 1983

David Dresher  
Mitchell Frost  
Lewis Garrison  
Forrest Latta  
Hon. Laura Petro  
Buddy Sharbel

### Class of 1993

Ben Baker  
Mike Cohan  
Shawn Junkins Cole  
Alan B. Lasseter  
Pam Slate

### Class of 1998

Lana Alcorn  
Lloyd Peebles  
Kirk Reid  
Tammy McClendon Stokes  
Howard Walthall

### Class of 2003

Christy McInturff Huret  
Steven Huret  
Tiffany Entrekin McMillan  
April Ellis Nichols

# Alumni Weekend 2008



## Alabama Bar



## Florida Bar



## Letter from Director of Alumni

This is the first of many letters that I will write to you as the new director of alumni. I am so excited to have been chosen to fill this position and serve you in this capacity. Mitzi Davis, former assistant dean of admission and alumni, will be greatly missed. I hope to be able to fill her shoes!



Lauren McCaghren, the new assistant director of alumni affairs, is working with me as I take on this new role. She will be a great asset to the school, and I ask you to join me in welcoming her.

I want to start the year by addressing the structure of our alumni association. We have 37 Cumberland Clubs throughout the country, and I know that we can make these stronger. More involvement in these clubs means more involvement with Cumberland School of Law. The school wants you to use these clubs to benefit your practice and to keep in touch with alumni in your area. Please go to <http://cumberland.samford.edu> to find the Cumberland Club in your area. If there isn't one, please contact us if you would like to start one.

I am very appreciative of the Cumberland Club presidents and the hours they dedicate to the school and to their fellow graduates. I also extend big thanks to **Mark White '74**, president of the National Alumni Association, and his staff for all of the help they have given to the school in locating alumni and serving in so many ways this year.

I look forward to all of the exciting times we will share in the future. We all want the school to be the best that it can be. Without graduates such as you and your standout accomplishments, it could not be as successful as it is.

Mark your calendars for Alumni Weekend 2009, March 30–31, honoring the classes of '69, '74, '79, '84, '89, '94, '99 and '04.

Thank you again for being Cumberland School of Law's best asset.

*Mary T.*

Mary T. Miller  
Director of Alumni

# Women in Law

Editor's note: *It would be impossible to recognize all of the dynamic personal and professional accomplishments of the law school's women graduates. The following is a sampling of more than 2,000 alumnae in Cumberland School of Law's rich history. Though some felt more pressure to succeed than others, Cumberland School of Law is described as a fair place with many opportunities for men and women alike.*  
—J. Mark Baggett, Jennifer Sims

## Law School Alumnae Shatter the Glass Ceiling



**Judith Crittenden '70** has heard the skepticism about women lawyers since she went to an out-of-state law school for an admission interview. They told her, "Do you know

that if we accept you, you will be taking the place of a more qualified man?" They added, "Do you know if we do accept you, you will most likely drop out? And, if you do graduate, you will probably not be able to find a job?"

These words did not encourage her law school dreams, so she looked elsewhere. The editor of the newspaper at Judson College, along with some of her professors and advisers, told her to look at the new law school in Birmingham.

"I was told Cumberland had a very open mind about the diversity of the student body," Crittenden said. "In Tennessee, the law school was more traditional. At the new campus, there was no notion of what a Cumberland student looks like."

Inside the law school, she found a "pretty positive environment," more challenging socially than academically. "There were not many women my age," she said. "Guys were friendly during the day, but on social occasions, they didn't know me."

As graduation approached, Crittenden avoided the prospects of hiring until Birmingham lawyer Roger Brown, who was working at the legal services office, managed to hold a job until she passed the bar.

Crittenden was one of two women who graduated in 1970 and is the only

surviving female member of that class.

**Audrey Gaston '70**, the first black and first female assistant U.S. attorney in Alabama, died in 1989.

As Crittenden's legal career unfolded, she found herself breaking through the glass ceiling. "I was the first female judge at the Jefferson County Courthouse," she said. "I was the first female deputy district attorney in Alabama; I was the first to sit on this board or that committee. I can't complain. I'm grateful to be successful."

The profession always challenged her. "It's a competitive profession, and there is still a real issue about being bested by a woman," she said. "People would fight back harder. If you were a tough advocate in the courtroom, you were saddled with the B-word. If you were not tough, you were an example of why women shouldn't be lawyers. But struggle and hardships and challenges make us better. I probably gained as much from the novelty of being a woman in the profession as I suffered."

Today, Crittenden is one of Alabama's top marital and family lawyers, leading a small firm with three associates.

## Roads Less Traveled



**Stephanie (Stinson) Hillmon '93**, who spent a year in Korea in the military, was not easily intimidated by law school professors who asked her to stand and brief a case. A

first-generation college graduate, Hillmon started to think about law school at her philosophy professor's suggestion. At Berea College in Kentucky, she interrupted her rigorous schedule of working and attending class full-time to join the Marine Corps for three and a half years.

Her experience at Cumberland School of Law was a good one. "It wasn't so male dominant," said Hillmon. "When I booked a class in criminal law in the first year, both male and female students reached out to me. I didn't notice discrimination. When I graduated, I knew that black attorneys made up about 4 percent of all lawyers, and I was more concerned about discrimination in hiring," said Hillmon.

During law school, she found many opportunities to work, first in the U.S. Attorney's Office in Birmingham and then for a Circuit Court judge. Her final assignment in the military was reviewing environmental contracts for states and territories at the National Guard headquarters.

Hillman found her calling in a federal job at the Committee for Purchase, a program that dates to FDR's administration. The program helps local and national nonprofit agencies that employ blind or otherwise severely disabled people. The committee acquires contracts that have enabled 40,000 disabled people to be employed to date.

**Gina Baggett Zylstra '90** grew up on a farm in Springfield, Tenn. Something of a bookworm, she dreamed of entering the medical profession, "but the fetal pig in the biology class did me in," she said.

She turned to law. Flying through the University of Tennessee in three years, Zylstra expected to stay close to home, but her parents were concerned when her university was voted one of the top party schools in the nation, so she headed to Cumberland School of Law.

Zylstra thrived on the academic challenge. She joined Leitner, Williams, Dooley & Napolitan in its Nashville office, practicing insurance litigation. After 10 years, her litigation experience led her to an area that promised more proactive problem solving in the health-care field. She became the legal staff of Dialysis Clinic, Inc., in Nashville and became general counsel in 2005. She supervises a staff of 16, including four lawyers and a risk management specialist.

Zylstra remembers Cumberland fondly. She married her husband, **Michael Zylstra '91**, right after graduation. He is general counsel of Cracker Barrel Old Country Store, Inc., headquartered in Nashville.

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**Donna Yelverton '97** deferred her dream of going to law school until 1994 at age 46, but she said “age was an advantage for me.” She had tested management skills and a perspective not to sweat the small stuff.

“I felt like everyone’s mom, but I enjoyed being around young people,” Yelverton said. “I never felt gender was an issue in any way. I probably stood out most, not because of my age, but because I was more liberal than my classmates.”

Almost half the partners at Yelverton’s firm are women. Kean Miller, which is celebrating its 50th anniversary, is a family-friendly law firm. Yelverton is not on the partner track. She chose to be a permanent associate because this is a retirement job for her. “The rules for making partner are very well-understood and followed whether the attorney is male or female. I wanted more time for my home life and a new marriage,” she said.

### It’s A Long Way to Connemara



Every September, **Toni Bullock London '79** travels to a pub in Ireland to celebrate the Clifden Arts Festival in Connemara.

“Tumbleweed,” as she is known on stage, plays bass with True North, a band that features American Western-style harmonies rather than Irish reels.

London went to Samford as an undergraduate and continued her studies at Cumberland School of Law in the late 1970s, where her father, Loren Bullock, taught. London found a nurturing environment but recognized that women were a distinct minority in the male culture. About 15% of her classmates were women.

After graduation, London was named the first female prosecutor in Russell (Ala.) County, but did not feel as if she had shattered the glass ceiling. “As a prosecutor, people probably underestimated me,” she said. “I took that to my advantage.”

Later, she joined the military and JAG Corps, which was a familiar life for the “military brat” who was born in Tokyo. Stationed in Anchorage, Alaska, London may be the only Cumberland School of

Law graduate who goes cross-country skiing on lunch breaks. She works with the U.S. Army Corps of Engineers as senior litigation attorney and liaison to the Department of Justice, administering contract claims arising from construction work.

“There are about as many women as men in Alaska now,” she said. “The women are tough, resourceful, hard-working and not afraid of much of anything. At one point, our office was predominantly female, and even now, four of the nine attorneys and all four paralegals are female.”

### From Immigrant to Immigration Lawyer

The path to Cumberland School of Law for **Klari Tedrow '89** took her over the Alps, at least in part. At age 3 in a reverse *Sound of Music* scenario, her family escaped into Austria from Hungary as the Soviets began to consolidate power in 1956. She remembers floating across a broad channel of water on a homemade raft while her father swam the icy waters.

The family was taken to the American embassy. In response to the Soviet crack-down in Eastern Europe, the United States had relaxed its quotas of immigrants, and more than 40,000 Hungarian refugees came to a camp in New Jersey. Tedrow’s family moved to Cleveland, Ohio. None of them spoke English, and they were given just one month of rent assistance. To Tedrow, it was just one more version of the American dream.

After she was married and had graduated from Lenoir-Rhyne College in North Carolina, Tedrow decided to go to Cumberland School of Law. When she became managing editor of the law review, a male student told her that she was taking someone else’s place.

After graduation, Tedrow became a corporate lawyer at Berkowitz Lefkowitz Isom & Kushner (now Baker Donelson) in Birmingham. She took a leave of absence when she became pregnant with her third child, but she still wanted to practice. She decided to pursue her passion of immigration law and has practiced in her own firm for 10 years. She also teaches immigration law as an adjunct professor.

“Immigration law is a wonderful field and a satisfying career,” she said. “It’s a wonderful profession for hands-on work, for planning long-term strategies for people. People from other countries are in a

very tenuous position and are very insecure about their status.”

Tedrow believes women often have more patience in dealing with such issues. She also credits her own immigrant status. “I can walk the walk and talk the talk,” she said.

### Finding a Level Playing Field



**Linda Knight '76** went to law school when the movie *Paper Chase* came out. “It depicted the stereotypical law school environment,” she said.

“Cumberland was a friendly and supportive place.” She notes that the professors were wonderful teachers and mentors who also socialized outside class. “We never lost respect for our professors, even though we were friendly with them,” she said.

Knight, who grew up in Jackson, Tenn., remembers one woman lawyer from her hometown as a role model, **Anne Wood Schneider '47**. “She was one of the good influences in my life,” Knight said. “Not only was she a respected lawyer, but she was also a married woman, had children, and was engaged in civic, church and social activities. She had a full life.”

Knight’s professional aspirations were inspired by her father, who said that a woman should be able to support herself. He would tell her, “Get all the education you can. Your education is the only thing no one can take away from you.”



**Marcee McCreary '81** does not remember thinking in terms of female/male at law school. “One couldn’t help notice that the classes were still predominantly male, but I don’t remember focusing on that at all.”

After graduation, McCreary returned to her home state of Ohio to take the bar. That summer, she began clerking at the 10th District Court of Appeals in Franklin County. From there, she went to the Columbus City Attorney’s Office, where she worked as an assistant prosecutor for approximately 10 years, two of which she served as the Columbus City prosecutor, the first female to hold that position. She then entered her current position of district director to Congresswoman Deborah Pryce (R. Ohio).



Tampa attorney **Miriam Mason '75**, a partner in the marital and family law practice of Mason, Black & Cabellero, said, "The law school was very gracious and welcoming. I never

heard any professor treat a woman rudely, and I felt the school wanted us to succeed. When I was going to Cumberland, we were divided by the alphabet, and my best buddies were men who happened to be in my classes."

She began law school with 13 other women in a class of 300; only seven women graduated in 1975.

Mason has been president of the American Academy of Matrimonial Lawyers, chair of the Family Law Section of the Florida Bar organizations and chair of the Family Law Rules Committee of the Florida Bar. She believes the younger generation, both men and women, are more focused on their quality of life than in her generation. "They are more sophisticated than my generation," she said. "Women lawyers feel and are equal. They feel they belong in law school and the legal profession. In my years, we felt like we had to overachieve to be on equal ground."



**Lyle Warshauer '93** was not fazed by the vestiges of sexism in her legal career, but she feels challenged with how she balances her family and work. "I was on the phone to my office 30

minutes after my daughter was born," she said. She knows that most mothers have two full-time jobs, but she says the fulfillment of her home and professional life is well worth any inconveniences. "All the complexities and difficulties are worth it because I truly love being a trial lawyer," she said.

Warshauer, who owns a small firm in Atlanta, Ga., has caught glimpses of the glass ceiling. "One firm I interviewed with held its partner meetings at a male-only club," she said. "When I asked about the status of one of the female partners, they said she could come to the meeting, but had to leave when dinner was served."

**Laurie Weatherford '86** remembers a conversation she had with a male colleague 3-4 years out of law school. He told her, "The worst thing about women lawyers is that they take up space in law school and then they don't use their education."

Weatherford tells young women not to be bothered by being underestimated. "It always works to your advantage," she said. "I've experienced it many times in trying cases."

She remembers when she once represented a Chapter 7 trustee and the other attorney wanted to go first. "When I did my questioning, he said, 'You are a good lawyer.' He was so amazed," she recounted. "I may be a woman, but I'm not any less of a lawyer."

A Chapter 13 standing trustee in Winter Park, Fla., Weatherford enjoys the collegiality of "a very civil group of people on the Orlando bankruptcy bar," and the luxury of having a staff and staff attorney (**Sam Pennington '79**). She feels a responsibility to help young lawyers, particularly women.

"Younger women have it easier and expect it to be a lot easier than it is," she said. "I tell them reputation is all you have. My personal motivation is to be a mentor and to give personal support to help the younger generation. I really feel this is what God wanted me to do."



**Lydia Quarles '75** heard the clichéd challenge in law school orientation: "Look to your left and look to your right. One of the three of you won't make it." But the speech

had an added twist.

"The guy on my left looked at me and said, 'You took my frat brother's place, and now you're not going to make it,'" she said.

She ignored the fraternity brother's disappointment, but it prepared her for some of the challenges she would face at the law school. "Some professors gave you a harder time, and there were some guys who gave me grief. But most people were good people," she said.

Returning to Mississippi upon graduation, she went from clerking for Mississippi Supreme Court Justice Pelham Merrill to a large firm, but realized it was not for her. She joined a small Columbus firm and realized there were no other women lawyers in town.

Quarles returned to Lowndes County and became the second female lawyer in the circuit and chancery court district. "The first, Chief Justice Lenore Loving Prather, provided a wonderful role model, but in many ways I was on my own to demonstrate my ability, my independence and my skills," she said. "Being gregarious

probably helped, but I set out to meet who I needed to meet and to learn what I needed to learn in order to be an effective attorney in Lowndes County."

Today, she is a senior policy analyst for the Stennis Institute of Government in her hometown of Starkville. She holds Congressional debates in the districts, writes articles for legislators and performs some mediations. Previously, she was an administrative judge and commissioner of the Mississippi Workers' Compensation Commission. She is cochair of the Mississippi Supreme Court's Gender Fairness Study Committee.

Quarles believes most law firms look at women and ask the same questions they ask male candidates, such as "Will she impress clients?" or "Will she have authority in the courtroom?" She notes that women still face challenges in the field, however.

"My biggest concern is that women lawyers in their 20s and 30s are absolutely clueless about what is relatively new: women in the law," she said. "I once did a presentation for the Evelyn Gandy Lectures (named for the first female lieutenant governor of Mississippi), and reminded the 25-year-olds that when I was in law school, to prescribe birth control to an unmarried woman was a crime. Mississippi didn't ratify the 19th Amendment until 1984. Thirty years isn't a long time. There were 100 years of male dominance, and lots of conventions have developed with men in the legal profession.

"There is a long record of women lawyer burn out," she continued. "Policies have matured, but law firms still don't want to hire women because they say they'll want to work part-time, to have kids."

## Public vs. Private



Cumberland School of Law's 2006 Distinguished Alumna **Anne Pope '86** is the tenth federal cochair of the Appalachian Regional Commission, an economic development partnership

between the federal government and the governors of 13 states. She views the public sector as a leveler for male and female attorneys. "I've seen more women at very high levels, places of real opportunity, in government rather than business," she said. "It's a place I would recommend for young

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attorneys, especially women, starting out.”

Pope says that young lawyers do interesting things quickly in the public sector. “Where else can you go and try cases right away?” she asked. “Your experience there can help you move into the private sector and more responsibility, not to mention that you’re doing something for the larger good.”

Pope took a circuitous route to the public sector, where she has been since 2003. She first pursued a federal clerkship with U.S. District Judge James Todd in Jackson, Tenn. She then practiced law in Washington, D.C., with Webster, Chamberlain, and Bean, doing intellectual property work and finally representing non-profits. (Pope also found success in the private sector. She served as president/chief executive officer for the Parks-Belk Company, a department store group located in northeast Tennessee, and then as president of Proffitt’s of the Tri-Cities, Inc., a division of Saks, Inc.)

In 1996, Pope was the only female candidate of 11 to run for U.S. Congress, the first woman to run for Congress in her area. Although she finished sixth, she says that election changed her path. Tennessee Gov. Don Sundquist saw the campaign and asked her to work in his administration as executive director of the Tennessee Film, Entertainment, and Music Commission. Later, she became commissioner of the Tennessee Department of Commerce and Insurance, a state regulatory agency with broad responsibilities for licensing and regulation of more than 97 professions and commercial activities.

“I had a great experience at Cumberland,” Pope said. She estimates that 35–40% of the students in her class were women, but she had no sense of different treatment at all. “It never crossed my mind,” she said.

## Role Models



Sitting prominently on a shelf in the office of **Shannon Barnhill Lisenby '97** is a placard from the national suffrage movement of 1919 that reads: “Let women vote.” She remembers her grandmother, born in 1910, telling stories about Lisenby’s great-grandmother attending women’s suffrage

rallies. Her great-grandmother struggled with the notion of a woman’s right to vote, but ultimately decided in favor of the movement. Lisenby’s grandmother was always quick to remind her six granddaughters that women might have to work a little harder, but they could have the same opportunities afforded their male counterparts.

“My parents tell me that at age 5, I would put my hands on my hips and declare, ‘I want to be a transactional lawyer,’” said Lisenby, a partner in the Birmingham office of Bradley Arant Rose & White. Her practice is purely transactional, with an emphasis on commercial lending. “I don’t know where that came from, since there were no lawyers in my family,” she added with a laugh.

Lisenby recently was named one of *Birmingham Business Journal’s* “Top 40 Under 40,” and she is president of the Junior League of Birmingham.

“Developing the potential of women in all careers is important to me,” she said. “The legal profession has made great strides, but that doesn’t mean we should not continue to mentor younger women in our profession and in others.”

**Kay Bains '80**, a partner at Bradley Arant, is Lisenby’s mentor. Bains tells young women lawyers about her law school experience. She graduated first in her class but faced discrimination because of her gender. For Lisenby, gender was not an issue at Cumberland School of Law or in her workplace. She credits her experiences to the hard work of women such as Bains, who forged the way for women to practice law and have families, who demanded equality for women in law firms and worked tirelessly to prove that women could excel as lawyers.

Although not an alumna, Janie Shores had a profound influence on a number of women graduates from Cumberland School of Law. She was the first woman to serve on the Alabama Supreme Court (1974–99) and was the first female law professor at the law school (1966–74).



**Beverly Baker '85** started college at age 35 with three children, and she graduated first in her class in urban studies at the University of Alabama at Birmingham. “I only took the LSAT because Janie Shores suggested it one night,” said Baker. “The test was being

given the next day, and Janie said they would allow walk-ins.”

With some professors and classmates, Baker felt her distinct minority status. Many others were kind and generous. One of her favorites was Professor Ben Hardy. She remembers a time he called on a woman who wouldn’t speak. “He pressed her hard, ‘Why can’t you speak in class?’” she said. “People were outraged. He sat on the edge of his desk and gave an impassioned speech about why he used this technique. He said he was preparing us never to be intimidated in a courtroom. I was so impressed by the way he dealt with her.”

When she graduated, Baker found a job with George McMillan, Alabama’s lieutenant governor and a favorite to be elected governor. She also worked as a legal secretary for U.W. Clemon when he practiced law with her husband and Oscar W. Adams, Jr. during a pivotal time in the history of civil rights.

As chief diversity officer for Ogletree Deakins, Baker sees gender issues from many angles—race, generation, as employer, as employee—all tweaked by the particular nature of the profession.

“This is a very difficult profession designed by men for men, slow to change, slow to accept the reality that women are colleagues, wives and mothers, in addition to being lawyers,” she said.

Baker believes gender separation takes less during hiring and more when moving from associate to partner. “That’s where women start falling off the chart—not in hiring, but in retention,” she said.

“The attitude that women will go off and have families is a prejudicial statement that partners often internalize,” she continued. “They assign women associates less work, and thus give them fewer opportunities, and create a self-fulfilling paradigm of failure.”

Mentoring is another issue. “Unless you have a strong person committed to the value of inclusion, who is in a position of power in the law firm, younger women are not going to be treated equally,” Baker said. “Men are mentored without ever thinking about it. They get it at the golf course, water cooler talks, the YMCA.”

## Sound Advice



**Mary McKeown '76** and **Honora McKeown Gathings '78** (left) grew up in a home where their mother, a lawyer, provided the only income. After their father, also a lawyer, died in an automobile accident, their mother preached self-sufficiency: "Whatever you do, be able to support your family if something happens."

Following her mother's advice, Gathings enrolled at Cumberland School of Law at age 20. There were not many women at the school in 1975, and most were older than she was.

"It was not a level playing field with regard to women then," Gathings said, "and it wasn't a level playing field within the group of women who were students. There was a group of women trying to make radical changes, but I grew up in a family where my mother was a professional, and I didn't see that as something I had to do."

Gathings remembers that women were not always treated fairly in class, and there were few female faculty members, but one of them, Annette Dodd, impressed her. "I saw how much she enjoyed what she was doing," Gathings said. "She was very level-headed and enjoyed being with the students, and I could see how much she dedicated herself to her work."

Upon graduation, Gathings went to the EEOC, spending much of her time traveling to Mississippi, trying sexual discrimination cases. After a few years, she and her husband, **Lloyd Gathings '76**, opened the Gathings Law Firm in Birmingham. They both work on complex tort litigation, with Honora concentrating on toxic and environmental tort litigation, as well as class action litigation.

"My husband and I come to the table with different perspectives," she said. "In trying cases, in jury selection, in dealing with clients, sometimes my husband is hell-bent on one way and I'm for another way, but it works well."

Gathings' sister, McKeown, also practices with her husband, **Jon Barber '76**, with the Growney McKeown Barber law firm in St. Petersburg, Fla.

Gathings has mentored female law students through the school's mentoring program. She has been on the Executive Board of the Birmingham Bar Association's Women Section and has been active with

Pinstripes and Pearls, an "all-girl network" modeled on an organization founded by the women of Harvard Law Class of 1964.

## Family Tradition



Although **Virginia Weed '93** had close family ties to Samford and Cumberland School of Law, her route to law school was anything but conventional. Her grandfather, Harwell "Major" Davis, was president of Samford from 1939 to 1958, and her aunt, **Betty Eshelman '64** (Major Davis's daughter), was in the law school's first entering class after the school moved to Birmingham.

Weed started at Converse College in Spartanburg, S.C., and transferred to the University of Alabama. She earned a master's degree in counseling psychology at the University of Alaska, enjoying the outdoors and her dog-mushing team.

She was the oldest student in the class at age 47, but "because I had done well in school, I thought law school would not be terribly difficult," Weed said. "It was so much more intense than I expected."

She rose to the challenge, finishing near the top of her class and as a member of law review. Although her interest was primarily in contracts and tort law, she accepted a job in Ashland, Ky. with the Legal Services Office.

"It turned out to be a fascinating job," she said. The job ended a few years later due to lack of federal funding, and Weed moved to Huntington when the public defender's job opened up. She handles a large number of assault and abuse cases, particularly child abuse, and also child pornography cases involving the Internet.

For Weed, the measure of her success is not only in her accomplishments, but in the compassion of her colleagues.

"Last year, I fell off my horse and was paralyzed," she said. "I did an extensive rehabilitation and had to learn to walk again. I'll never forget what my colleagues in the public defender's office did for me. They got together and pooled their sick days, and they gave me seven weeks of their own sick leave."

One year later, she's significantly recovered and can ride her horse again. She says the response of her colleagues after the accident is one of the best things that has ever happened to her. "I work with people

I like to work with on something meaningful," she said.

## Balancing Act



**Lenora Pate '85** was divorced with two young children when she entered law school. "I did it for some of the right reasons, and also for some not-so-right reasons," said the one-time candidate for governor of Alabama.

Pate enjoyed going to school with other women like her. Both in law school and in her work at Sirote Permutt in Birmingham, she says she pursued "a spirit of excellence."

Balancing work and family are important to Pate, who has two sons. She sees younger women delaying having children, even though the firm has been supportive. Pate also notices generational differences in women and men. "When I found a firm, I was finding a firm and a family," she said. "That is my commitment to my law partners. They are an extended part of my life. I'm not sure the younger generation always sees it that way."



**Deborah Ebner '81** migrated to Chicago, Ill., after her marriage and sat for the Illinois bar. Firms in the early '80s were looking for associates willing to learn bankruptcy, and she "got caught on that wave and got pulled in." She has practiced bankruptcy law for more than 20 years.

Ebner was the first part-time associate at a major Chicago law firm, finding her niche in bankruptcy. "It was a supply and demand situation," she said. "They perceived I was a young talent in the field, and they needed help."

In 1983, Ebner was named to a private panel of bankruptcy attorneys, and she began to develop her own "book of business." Eventually, she established her own firm. Her practice focuses on matrimonial litigants who get caught in bankruptcy court. "Personal tragedies of divorce and money issues converge at the same time," she said.

When she discusses the career paths of women lawyers Ebner stresses the importance of networking, which she says must include male lawyers.

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“If you network with a small circle of friends, you are limited,” she said. “If you have a bigger approach to life, then you expand your options. Men are not foolish. They welcome people who will help their business. The key, as always, is to do good work.”

### The Right Fit



As a student in the School of Architecture at Texas A&M, **Jennifer Sims '01** applied a heavy analytical approach to her assignments—researching the psychological effects of colors and shapes, and investigating new engineering technologies in addition to studying design. On one of her trips to the library, she became immersed in a book entitled *Construction Law*. Suddenly, her interest in architecture began to cross disciplinary lines.

“I didn’t know there was a branch of architecture that allowed me to pursue my research interests to the fullest,” she said. She interviewed construction lawyers to learn what they do, and by the time she graduated, her career had turned toward law school.

Sims, who was recently named acting assistant dean for admission, came to Cumberland School of Law because she liked the small, close-knit community with a low student-teacher ratio and an openness that reduced the cutthroat competitiveness that is characteristic of some law schools.

“Cumberland really impressed me. It had to, or I would not have relocated so far from home,” she said. “One thing that especially impressed me was seeing how many women were in leadership positions, not just students but faculty and administrators.”

When Sims talks to prospective students, she tells them to go to a school where they will thrive. “Finding the right law school to attend is a very subjective process,” she said. “I tell them to think about the things that made them successful in college and to look for those same factors in a law school.”

She also tells them to talk to lawyers and judges, and to go to the courthouse, to understand the profession. She believes that pursuing leadership roles, especially outside the undergraduate environment, can help students increase their perspectives. “It will help you

build confidence in your ability to inspire and motivate, and it will teach you something about character and accountability, which are keys to the practice of law,” she said.

Sims sees a clear expectation in the current generation of lawyers over quality of life issues.

“To be a lawyer, you have to work long hours and pay your dues over a number of years,” she said. “But young lawyers are looking for the opportunity to both work and raise their children and enjoy a certain quality of life. Younger women—and men—want to practice in an area that will give them the most freedom to enjoy their lives.”

### From Old Broads to Omega Betas



**Sandra Storm, Belle Stoddard, Anne Mitchell, Martha Jane Patton and Carolyn Duncan**—all members of the Class of 1978—thought “Old Broads” was a funny name for their group. “It’s not as funny today,” said Stoddard with a smile. But the name stuck, and the women celebrated as Old Broads reliving their law school days when they gathered regularly to study and to share babysitting responsibilities.

They entered Cumberland School of Law in 1975. While Stoddard found some remnants of chauvinism, she said the law school nurtured close associations she established as a student, and also had an administration that welcomed women. “While some professors would assign the hard cases in class to women, or ask women to discuss sexually explicit cases, there wasn’t overt discrimination,” she said. “When I saw the schedule, I went to Dean Corley to ask if I could possibly move my Civil Procedure class to another section to avoid child care in the afternoon. He said, ‘Of course.’”

Today, the Old Broads call themselves the Omega Betas. They all have extensive

civil involvement, and each has found a professional niche. After a career in private practice and then as staff attorney for Justices Shores and Woodall of the Alabama Supreme Court, Stoddard remains a central figure at the law school. She serves as an assistant professor and director of the Lawyering and Legal Reasoning course that guides all first-year students through a rigorous writing and research program.

Duncan is a securities lawyer with Cabaniss Johnston in Birmingham. A shareholder in the Birmingham office of Baker Donelson, Mitchell has a distinguished career in estates and trust planning. Patton was honored recently for her leadership as executive director of the Birmingham Legal Aid Society. Storm retired in 2005 as the presiding judge of the Jefferson County (Ala.) Family Court, which garnered national acclaim for its juvenile justice programs under her leadership.

Recently, the group has been galvanized by Duncan’s other professional endeavor. A member of the Davis Quartet—advertised as four women, eight hands and two pianos—Duncan has played many Birmingham concert venues. With the Omega Betas in the audience as groupies, the Davis Quartet will play at Carnegie Hall in September.

By whatever name, the friendship of the ’78 group is strong. Though their babysitting days are gone, they still reminisce and celebrate their personal and professional achievements together. “During one of our retreats, we talked about life since law school,” Stoddard said. “We all agreed that going to law school was one thing we have no regrets about.” ♡

# Hughes Court

## Laid the Groundwork for Civil Rights Gains, Says Ross Book

by William Nunnolley

The civil rights gains of the 1940s and '50s had roots in U.S. Supreme Court decisions of the 1930s, according to a new study of Chief Justice Charles Evans Hughes, who led the Court during 1930–1941.

Although the Hughes Court rendered no landmark decisions altering the second-class citizenship of African Americans, “more than a few of its rulings significantly eroded legal barriers that perpetuated racial injustice,” Samford University law professor William G. Ross wrote in his new book, *The Chief Justiceship of Charles Evans Hughes 1930–1941*.

The book also addresses many other issues faced by the Hughes Court, including its decisions on New Deal legislation, President Franklin Roosevelt’s court-packing controversy, and landmark decisions on free speech, free press and the rights of defendants.

Ross, who teaches in Samford’s Cumberland School of Law, details the Supreme Court’s abandonment of its long-time function as an arbiter of economic regulatory legislation and the emergence of its modern role as a guardian of personal liberties. The book—Ross’ third on 20th century American constitutional history—was published recently by the University of South Carolina Press as part of its series on U.S. Supreme Court Chief Justices.

Tapping into a broad array of primary and secondary sources, Ross explores the complex interaction between the court and the political, economic and cultural forces that transformed the nation during the Great Depression.

In looking at the Hughes Court’s impact on racial matters, Ross said later civil rights gains were grounded in the Court’s “evolutionary decisions” of the 1930s.

“By imposing stricter standards of due process on criminals trials, the Hughes Court helped to ameliorate the use of criminal law to perpetuate the socioeconomic suppression of blacks, who were disproportionately the victims of terror tactics and slipshod procedures in criminal

proceedings,” Ross wrote.

“The Hughes Court also helped to empower blacks by eliminating at least some of the ruses by which Southern Democratic primaries deprived blacks of their right to vote,” he said.

The court rendered important decisions striking against racial discrimination in voting, jury service, education and public transportation, but its criminal justice decisions “perhaps had the most racial impact,” said Ross.

“The most dramatic of the Hughes Court’s criminal justice decisions was *Powell v. Alabama*,” he said, because it required meaningful assistance of counsel in capital cases. The case involved a group of young black drifters, who became known as the “Scottsboro Boys,” accused of raping two white women hoboes on a freight train near Scottsboro, Ala., in 1931. In reversing the conviction of seven of the defendants, the court found that the Fourteenth Amendment’s due process clause required states to provide competent attorneys at no cost to criminal defendants who faced the death penalty.

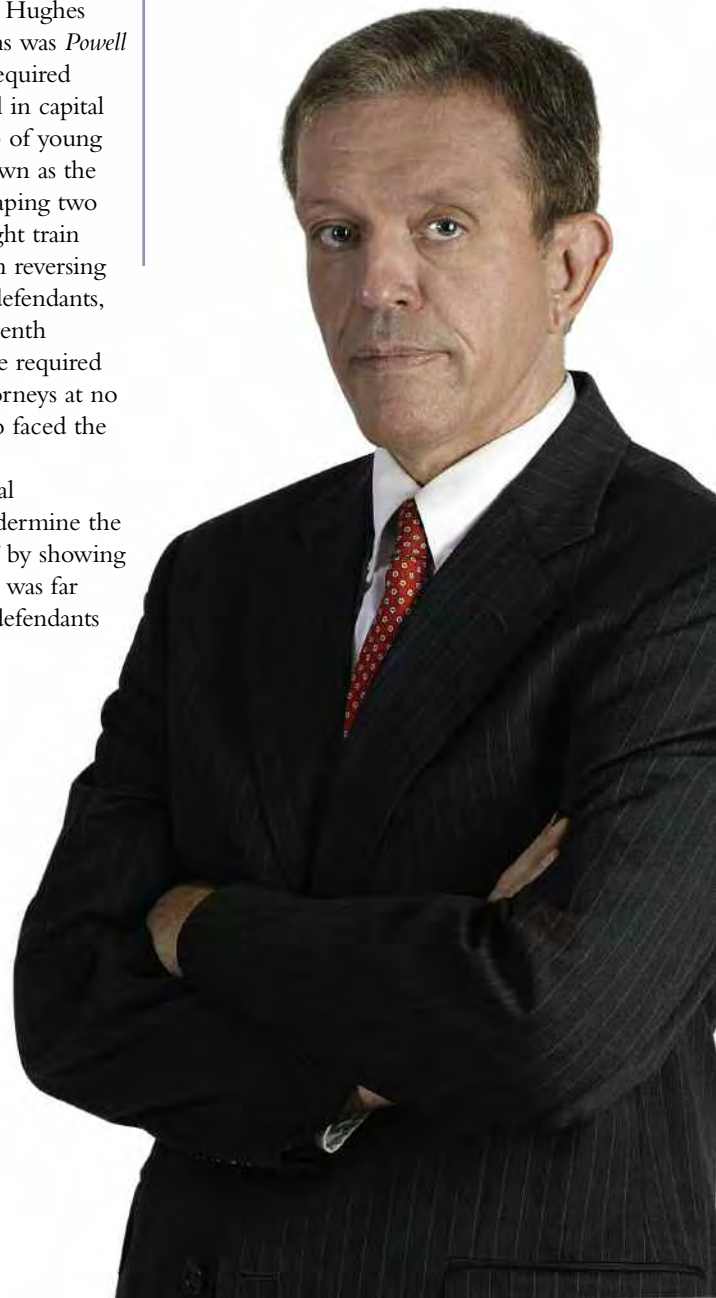
The Hughes Court criminal procedures decisions helped undermine the doctrine of “separate but equal” by showing that black defendants’ treatment was far more harsh than that of white defendants and that the treatment of blacks was “both separate and unequal,” Ross wrote, quoting a *Minnesota Law Review* article by Leon Higginbotham and William Smith.

In other parts of the book, Ross traces the court’s about-face in dealing with Roosevelt’s New Deal legislation. During FDR’s first term, the court—with a majority of conservative judges appointed by Republican presidents—invalidated eight federal economic regulatory statutes

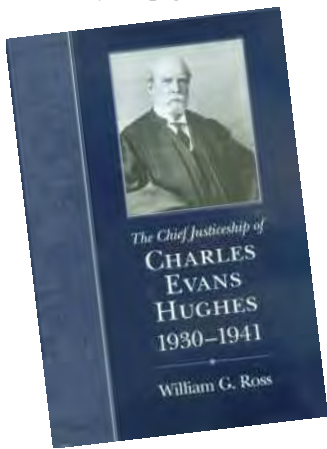
aimed at relieving the Depression during a 17-month period of 1935–36. This led to Roosevelt’s 1937 attempt to enlarge the court by naming one new appointee to the court for every member 70 1/2 years of age, but this plan failed.

However, a “profound shift in the court’s direction” occurred during the late 1930s, Ross noted, as Roosevelt began

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filling normal court vacancies with more liberal justices such as Alabama's Hugo Black. By the time Hughes resigned at age 79 in 1941, Roosevelt had appointed every justice but two, more than any president except George Washington.

"Although many justices have disappointed the presidents who have appointed them, every justice appointed by Roosevelt was deferential toward economic recovery legislation and protective of personal liberties," Ross wrote.

During its early years, Ross noted, the Hughes Court handed down several landmark 5-4 decisions expanding free speech, freedom of the press and the rights of defendants in which Hughes cast the deciding vote. This showed that he could be "just the sort of justice that his opponents insisted he never could be," Ross observed.

Hughes retired in 1941 after a distinguished career in public service. A native of Glens Falls, N.Y., he was elected governor of his home state in 1906. President William Howard Taft appointed him to the U.S. Supreme Court in 1910, but he resigned in 1916 to run for president, losing by 23 electoral votes (277-254) to Woodrow Wilson. A shift of a few thousand votes in California, one of the last states to report totals, would have given Hughes the election.

Hughes served as secretary of state from 1921 until 1925, and was appointed chief justice by President Herbert Hoover in 1930. He died at the age of 86 in 1948. ☪

To order *The Chief Justiceship of Charles Evans Hughes 1930-1941*, go to [www.sc.edu/uscpres](http://www.sc.edu/uscpres) or call toll-free 1-800-768-2500. Cost of the book is \$49.95 plus shipping.

# Legacies, Class of 2008



*Miles McGrane '75 with daughter, Ashley McGrane '08, and son, Miles McGrane '07*



*Baird Beers '08 and father, Mike Beers '77*



*Molly Taylor '08 with father, Don Campbell '77*



*John Bowles '08, and sister, Elizabeth Bowles '04*



*John Lawrence '08 and father, William Lawrence '73*

*Not pictured: Casey Cogburn '08 and father Max Cogburn; Ben Johnson '08 and father W. Benjamin Johnson '86; Courtney Smith '08 and sister, Paige Freeman Osborn '01*



# An Inside Look at the Master of Comparative Law Program: An International *Pro Bono Publico* Success

by Charles D. Cole

## I. Introduction

Private universities very seldom offer international outreach educational programs for the public benefit. Cumberland School of Law at Samford University conducts a Master of Comparative Law [M.C.L.] Program for international legal scholars which allows international judges, law professors, lawyers, and prosecutors to study at Samford University's Birmingham campus and study-abroad programs conducted by Cumberland School of Law for two academic summer (June/July) semesters. Following successful completion of the 16 hours of class work required, candidates submit an acceptable thesis to obtain the M.C.L. degree.

The phrase "*pro bono publico*" is generally defined as that which is "for the public good; for the welfare of the whole."<sup>1</sup> The general definition as used in the title is entirely appropriate to describe the nature of Samford's M.C.L. Program. Samford provides tuition scholarships to qualified M.C.L. candidates to facilitate their participation in graduate legal education. The program is an outreach to our international colleagues which provides a substantive opportunity to become aware of American legal education, as well as the state and federal judicial systems in the United States. Participation in Samford's M.C.L. Program is limited to international scholars who have graduated from accredited law schools in their country of origin or residence. M.C.L. candidates must be proficient in both speaking

and writing English. The program allows M.C.L. candidates who cannot spend a year in residence out of their country an opportunity to participate in graduate education while continuing their careers.

## II. History of the M.C.L. Program

Cumberland School of Law began the initiative to establish the M.C.L. Program in March, 1988, when Professor Charles D. "Bo" Cole of the Cumberland School of Law faculty was invited to São Paulo, Brazil, to serve as a presenter in a conference entitled "The International Meeting—Brazil and the United States," conducted at the University of São Paulo Law School, with financial aid facilitated by the American Consulate in São Paulo.<sup>2</sup>

Cole spent two weeks with the Brazilian judiciary in 1988 and has been invited to return to Brazil and offer programs concerning legal topics relating to the American justice systems, federal and state, each year following the initial trip. During these 19 years, Cole offered conferences in São Paulo at the School for Magistrates, the Tribunal Justicia (the Supreme Court of São Paulo State), the Criminal and Civil Courts of Appeal of São Paulo State, the law schools of the University of MacKenzie, the University of Mogi das Cruzes, the University of São Paulo and the Faculdades Metropolitanas Unidas. Cole also lectured at courts and universities located in Brazilia, Rio de Janeiro, Porto Alegre, Ribeirao Preto, Belém

and Belo Horizonte, Brazil.

Cole and Cumberland School of Law Dean Parham H. Williams traveled to São Paulo in 1991 offering conferences at the School for Magistrates, and the law schools of the University of MacKenzie and Mogi das Cruzes, as well as numerous court sites at both the trial and appellate levels in São Paulo City. Cole and Judge William Bowen of the Alabama Court of Criminal Appeals lectured in Brazil in 1992 and 1993 at the School for Magistrates and the Faculdades Metropolitanas Unidas law school (now UniFMU) in São Paulo. Cumberland School of Law Dean Barry Currier accompanied Cole to São Paulo in April, 1997 for presentations treating due process of law in the United States at UniFMU. Cumberland School of Law Adjunct Professor W. Scott Simpson joined Cole for numerous São Paulo presentations concerning alternative dispute resolution [ADR] in federal and state courts in the United States in 2004. The presentations concerning ADR by Cole and Simpson served as the basis for pilot ADR programs in São Paulo and courses which are currently offered in the São Paulo Judges College by Samford M.C.L. graduates.

Numerous Cumberland School of Law alumni have also contributed to the school's international programs over the years. Six alumni have served on the faculty for one or more of our study-abroad

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M.C.L. programs in Brazil and England. Robert L. Bertram, Charles H. Brasher, Jr., J. Anthony McLain, Carl R. Robinson, Loreta Raulinaityte, and J. Gusty Yearout have all contributed their time and experience to offer lectures for our programs and have added to the quality of the educational experiences enjoyed by both J.D. students and M.C.L. candidates.

During the course of Cole's annual visits to Brazil, Cumberland School of Law has received 67 Brazilian lawyers, judges, justices and law professors as professional guests (in addition to the M.C.L. students) on the Samford campus in Birmingham.<sup>3</sup> The visitors audited law classes, visited trial and appellate courts in Alabama, and generally became acquainted with the judicial systems of the State of Alabama and the United States.

During the years of informal visits to Samford's campus by Brazilians, Cole became convinced that a formalized program, facilitating in-depth legal study in the United States, would be helpful to both Brazilian visitors and Samford University. The familiarity of Samford's guests with the American legal educational and justice systems, as well as the potential for application of the basic values of the American legal culture for other legal cultures, created an interest in establishing an academic program whereby the university could receive qualified guests from abroad and provide them with a substantive graduate educational program.

The Board of Trustees of Samford University approved a resolution to establish the M.C.L. Program at its January 12, 1993, meeting. A committee of the Cumberland School of Law faculty<sup>4</sup> designed the M.C.L. program during academic year 1993-94.

Cole and Dean Williams presented the proposed M.C.L. program to the appropriate committee of the American Bar Association [ABA] during the spring semester of 1994, and the ABA acquiesced to the establishment of the program shortly thereafter. The M.C.L. Program is based upon the organizational structure of a similar graduate program at the University of Virginia Law School designed for domestic judges which allows judges and justices from across the United States to spend two summers in residence at the University of Virginia and complete a thesis subsequent to their two resident summers to obtain an LL.M. degree.

Both the Virginia and Cumberland School of Law graduate law programs allow degree candidates five years from the time they enter the program to complete the necessary classes and submit an acceptable thesis. The M.C.L. thesis must address a topic which compares an aspect of the American justice system to a similar aspect of the country of origin or residence of the M.C.L. candidate. Thus, the participation of our international colleagues offers not only the obvious benefit of obtaining substantive graduate legal education and an ABA recognized M.C.L. degree, it also provides a basis for comparison of the characteristics of the relevant justice systems to create the potential for constructive change in one or both of the systems in question.

### III. M.C.L. Program Administration

Cole, a full-time law professor on the Cumberland School of Law faculty, has served as director of both the M.C.L. Program and the International Programs of Cumberland School of Law during 1994-2008 in addition to his teaching responsibility. Cole designed the M.C.L. specific courses necessary for the program

and drew upon the summer curriculum of the law school for additional course offerings. The numerous courses offered by outstanding scholars, both on the law school faculty and those participating in the study-abroad programs conducted each year by Cumberland School of Law, have provided M.C.L. students with a rich and diverse scholastic experience.<sup>5</sup>

Following acquiescence of the American Bar Association to the establishment of the M.C.L. Program during the spring semester 1994, six candidates were accepted for the first class during that summer semester. Three of the candidates attended the first portion of the summer at Samford's Birmingham campus and then traveled to the University of Kent, Canterbury, England, to complete the summer semester with a study-abroad program under Cole's direction. The additional three 1994 candidates registered for five hours at the Cumberland-at-Canterbury program. As evidence of the rigors of graduate legal education and the difficulty of balancing the professional responsibilities of the M.C.L. candidates, only one of the initial six candidates successfully completed the program.<sup>6</sup>

Samford University has granted 30 M.C.L. degrees.<sup>7</sup> The program currently has 17 active M.C.L. candidates matriculating through the program.<sup>8</sup> Only two of the current 17 students hail from a country other than Brazil. One candidate was recruited from Istanbul during a week of lectures offered by Cole at Bahcesehir University in 2005, and a graduate student from Thailand was referred to the program by a member of her family living in Birmingham. Unfortunately, an additional 20 candidates have enrolled in the program but failed to complete the requisites for the degree. Three of the 20 completed classes successfully but failed to write an acceptable thesis.

The relatively small number of students, both those who have graduated and are currently enrolled, does not properly reflect the success of the program. The number of countries from which candidates are recruited has been limited and the total number of candidates selected to reflect the number which can be integrated into the program as currently configured. The current and past level of administrative staff and faculty dedicated to the M.C.L. Program allows it to be successfully conducted with a minor impact on the Cumberland institutional budget.



Visitors from São Paulo, Brazil, join Professor Charles D. "Bo" Cole, center, in Birmingham.

#### IV. Current Program Status and Future Activities

The M.C.L. Program has progressed constructively more than anticipated by either the Cumberland School of Law faculty or administration. The value of the project, like other educational efforts, will not be fully appreciated until the necessary time has lapsed. One can, however, currently appreciate how numerous Samford law graduates have gained an awareness of civil law concepts and established both personal and professional friendships with the international students as a result of the program. Further, this writer can attest to the manner in which M.C.L. Program participation has enhanced the professional careers of both the prosecutors and judges who have successfully completed the program.

There are numerous Brazilian judiciary institutional benefits which could be asserted; however, two obvious and very important benefits should be highlighted. First, an alternative dispute resolution programmatic emphasis has been implemented in Brazil by two M.C.L. graduates. Desembargadora M. Cristina Zucchi, an appellate justice on the São Paulo Supreme Court, teaches the concept and program implementation at the Judges College in São Paulo and Juiz Daniel Issler, a trial judge in São Paulo State, has designed and now directs an ADR program for juveniles.

Second, as a direct result of M.C.L. candidates gaining an awareness of the use of legal precedent in the American legal culture and Cole's numerous lectures concerning the concept and practice applicable to the use of precedent in the American legal culture, Brazil's constitution now provides authority for the Brazilian Supreme Court to establish precedent when deciding constitutional cases.<sup>9</sup> Admittedly, the constitutional authority of the Brazilian Supreme Court to elect to establish precedent when deciding constitutional cases is very different from the use of precedent in U.S. federal and state courts. Even so, the concept has been introduced to the Brazilian judicial system and can offer stability to the aspects of the system where precedents are utilized.<sup>10</sup> The reader may be surprised to learn that Brazilian courts do not follow precedent generally. Thus, the limited availability of the precedent concept in Brazil in constitutional cases will allow the Brazilian judiciary to witness the stability available from the use of precedent in their judicial system and, perhaps, expand use of the

concept in Brazil's justice system.

Success in both designing and implementing the program in Brazil has been further enhanced by establishment of a Cumberland Alumni Chapter in São Paulo City. The association held its organizational meeting in São Paulo in November 2007 in combination with Cole's invitation to offer lectures to federal trial and appellate courts.<sup>11</sup> The presence of a Cumberland Alumni Chapter in São Paulo must be looked upon, both within and without our university community, as an enhancement to the Samford University reputation domestically and internationally.

The M.C.L. Program was designed to require a minimum expense for implementation, relying heavily on existing courses offered in the regular curriculum and a minimum number of courses specially created for the M.C.L. candidates. Should the decision be made to expand either the number of candidates or countries from which candidates are accepted it will be necessary to dedicate additional resources to the program.

A strategy Samford could consider to create a broader base for constructive activity, without a large additional financial commitment, is joining with one or more similar private universities to make the benefits of the Samford program available to other countries. Such an approach would provide a means for Samford's leadership in this area to be recognized, though shared, but at a reasonable budgetary impact.

#### V. Conclusion

Samford's M.C.L. Program is a success and, though limited in geographic scope and numbers of candidates matriculating, is truly an international outreach program. The continued success of the program is limited only by future administrative decisions to provide necessary funding and institutional interest. The relatively small budgetary impact for additional program emphasis will be greatly offset by the recognition to be gained by Samford for constructive pro bono participation in international legal education. The benefit of the M.C.L. Program to the graduates and their home countries, as well as providing student body diversity to Cumberland School of Law, more than justifies continuation of the program in the manner that institutional policy ultimately supports.

#### Endnotes

\*B.S. 1960, Auburn University; J.D., cum laude, 1966, Cumberland School of Law, Samford University; LL.M. 1971, New York University; Beeson Professor of Law, Cumberland School of Law, Director, Cumberland School of Law Study-Abroad Programs and the Master of Comparative Law Program. The author would like to thank Ms. Anna F. Kinman for her very competent administrative aid.

<sup>1</sup>Black's Law Dictionary 1363 (4th ed. 1972).

<sup>2</sup>Cole presented four papers at the 1988 São Paulo Conference and has, at the time this article is being compiled, published 25 papers and books which have been presented at numerous locations in Brazil.

<sup>3</sup>The Brazilian visitors to the Samford University campus, as guests of the University, were lawyers, law professors, prosecutors, and federal and state judges, at both the trial and appellate levels of court.

<sup>4</sup>The M.C.L. Faculty Advisory Committee is a permanent committee of the Law School Governance Document. The committee is composed of the program director and six members of the faculty. The committee for academic year 2007-08 is composed of Cole, ex officio chair as M.C.L. Program director, and Professors Thomas B. Bishop, Alexander J. Bolla, Robert J. Goodwin, Paul Kuruk, William G. Ross and Belle H. Stoddard.

<sup>5</sup>M.C.L. candidates have been required to complete courses at Birmingham which teach legal analysis and research and writing in the American legal culture.

Legal Process, an introduction to the American justice systems with emphasis upon analysis of cases to utilize and understand precedent, was created specifically for the M.C.L. Program, as was the Legal Research and Writing for International Scholars course, currently taught by Professor Belle Stoddard. After completion of the required courses the candidates take courses offered in Cumberland School of Law's summer curriculum in Birmingham and in the study-abroad programs in England and Brazil. The courses have included Comparative Constitutional Law, International Human Rights Law, Comparative Trial Systems, Alternative Dispute Resolution, International Environmental Law, Professional Responsibility, International Business Transactions, European Union Law, Intellectual Property, European Union Law and Mercosur, Equitable Remedies, and, among others, World Trading System.

<sup>6</sup>Juiz José Thales Sena Reboucas, a São Paulo State Trial Judge, now retired, obtained the M.C.L. degree in 1999.

<sup>7</sup>The graduates include a Federal appellate judge, six State appellate justices, seven State trial judges, four State prosecutors, nine law professors/lawyers, all from Brazil, and a director of legal services in Manila, Philippines. Sixty-nine candidates have been accepted for M.C.L. matriculation, 30 have graduated and there are currently 17 active candidates. Five thesis submissions are anticipated during academic year 2008-09.

<sup>8</sup>The 19 M.C.L. students currently matriculating through the program include two federal trial judges, seven state trial judges, and 10 law professors/lawyers. <sup>9</sup>See Amendment 45 (2004), formally cited as C.F. amend. 45 (2004).

<sup>10</sup>This author is not so presumptuous that he will take total credit for the introduction of the precedent concept to Brazil; however, the opportunity Samford provided for M.C.L. candidates to become familiar with the precedent concept in the U.S. and Cole's numerous presentations and legal publications in Brazil concerning the concept were helpful.

<sup>11</sup>Cole presented a paper entitled "Binding Precedent in the United States with Comment Concerning Amendment 45 of Brazil's Constitution," which was written for presentation to the federal trial and appellate courts in São Paulo and will be published by the TRIBUNAL REGIONAL FEDERAL DA 3ª REGIÃO, São Paulo. ☺

# FACULTY NOTES

## Joseph Blackburn

attended a seminar on European Union taxation at New York University's School of Law in March. He is the Palmer Professor of Taxation and teaches Accounting for Lawyers, Basic Federal Income Tax, Business Planning, Corporate Taxation and International Tax.



## John Carroll

was a panelist on a national webinar sponsored by the Sedona Conference on developments in sanctions law Jan. 29. He spoke on "Basic Evidence: Making and Winning Objections" at a CLE program for criminal defense lawyers in Montgomery, Ala. Feb. 13. Carroll was inducted into the International Society of Barristers as an Academic Fellow at the society's annual meeting March 10. The society honors lawyers chosen by their peers for excellence and integrity in advocacy.



**Alyssa DiRusso** presented a poster, "The Intestacy Epidemic and the Marketing of Wills," at the Association of American Law Schools conference in New York in January.



The poster is based on her article, "Marketing Wills," cowritten with Michael McCunney, M.B.A. The article will be printed in *Elder Law Journal* of the University of Illinois. DiRusso teaches Wills, Trusts and Estates, Estate and Gift Tax, Estate and Trust Administration, and Property.

## Robert Goodwin (right)

coauthored *McElroy's Alabama Evidence* with **Charles Gamble**. They also coauthored a new supplement to the book. Goodwin is working on the 6th edition of *McElroy's Alabama Evidence*, which will be published later this year. He was named the J. Russell McElroy Professor of Law in the summer of 2007. He teaches Criminal Law, Evidence, Scientific Evidence and Trial Practice.



**Wendy Greene** was selected as a panelist for "Guide to an LL.M." at the National Black Law Students Association 40th Annual National Convention and Anniversary Celebration in Detroit, Mich., on March 26–30. She also was a panelist for the "New Developments in Critical Jurisprudence" workshop at the Southeastern Association of Law Schools annual meeting in Palm Beach, Fla. She spoke on the practical applications of critical race theory in teaching and legal scholarship. She teaches Equitable Remedies, Race and the Law, and Employment Discrimination.



**David Langum** was quoted extensively in an Associated Press story that appeared in more than 1,000 newspapers and other media outlets following the Eliot Spitzer scandal. The article drew on Langum's expertise as author of *Crossing Over the Line: Legislating Morality and the Mann Act*. The book, published in 1994 by the University of Chicago Press, recently appeared in paperback from Chicago. His teaching and research interests include Evidence, Legal History and Property.



**Marcia McCormick** presented "The Truth Is Out There: Refitting the EEOC for the 21st Century" at Stetson University College of Law Feb. 7 as part of its Faculty Speaker Series. She teaches Criminal Law, Employment Law, Federal Courts and Civil Rights. She has taught a seminar on rights movements in U.S. history, Property, Labor Law, Legal Research Writing and Analysis, and Appellate Advocacy.



**William Ross** gave the keynote address at the first conference of the Council on Ethical Billing in Orlando, Fla., March 13. His teaching and research



interests include Civil Procedure, Constitutional Law, Constitutional History and Professional Responsibility.

**David Smolin** coordinated a symposium on "The Baby Market: The Future of High-Tech and Low-Tech Markets in Children" through the Center for Biotechnology, Law and Ethics. The symposium featured experts on reproduction technology and adoption and was cosponsored by the Cumberland Black Law Students Association. Smolin's teaching and research interests include Bioethics and Biotechnology, Intellectual Property, International Human Rights, Children's Issues, Family and Juvenile Law, Constitutional law, Estates and Trusts, and Criminal Law.



**Joseph Snoe's** third edition of his book, *Property: Examples & Explanations*, is one of Aspen Publisher's top sellers. His article, "ERISA Preemption: A Product Rule and the Neglected Workhorse," is the lead piece in the recent *Journal of Health & Biomedical Law*. His teaching and research interests include Corporate Taxation, Federal Income Tax, Health-care Organization and Finance, Partnership Taxation and Property.



**Henry Strickland** was invited to attend the George Mason University Law & Economics Center's "Economic Analysis of Law Program for Judges" at Captiva Island, Fla., in November. His teaching and research interests include Alternative Dispute Resolution, Civil Procedure, Conflicts of Law, Constitutional Law and Equitable Remedies.



**Howard Walthall**

presented “Choice of Business Entity” May 4 in a “Start Up in Two Weekends” program at Birmingham’s Innovation Depot, a business incubator facility. He addressed the University of Texas executive M.B.A. class on “Selection of Business Entity” March 29. His teaching and research interests include State Constitutional Law, State and Local Taxation, Commercial Law, Bankruptcy and Business Organizations.



**LaVone Warren** spoke at the Association for Continuing Legal Education meeting in Henderson, Nev., Jan 26. Her topics were “Hey Dude: Managing Age Diversity in Today’s Workplace” and “Multi-Generational Training Issues from the In-House Bar, and Law School Perspectives.” Her teaching and research interests include Business Organizations and Securities Regulation.



**Deborah Young** spent five months as a Fulbright Scholar in Xiamen, China. She is a professor and director of Advocacy Programs. She teaches Criminal Procedure, Evidence and Trial Advocacy. ♡



## Faculty Profile: Denning Presents and Publishes Across the United States

**Brannon P. Denning**

Denning was named to the executive committee of the Constitutional Law Section, Association of American Law Schools, at its January meeting in New York.

Below is a list of his recent presentations and publications.

**Presentations**

“Reconstructing the Dormant Commerce Clause Doctrine” at the University of Pennsylvania Constitutional Law Workshop Feb. 28, and at the American Enterprise Institute in Washington, D.C., April 24. The article will appear in the *William & Mary Law Review* this fall.

“Dormant Commerce Clause Limits on Big Box and Formula Retail Store Regulation: An Update” at “Corporations

and Their Communities” at the Case Western Reserve School of Law Feb. 24–25.

“In Defense of a ‘Thin’ Second Amendment: Culture, the Constitution, and the Gun Control Debate” at “Firearms, Militias, and Safe Cities: Merging History, Constitutional Law, and Public Policy” Oct. 18–19 at the Albany Law School.

“*Morse v. Frederick* and the Regulation of Student Cyberspeech” at a faculty workshop Oct. 10 at Willamette University School of Law and at the University of Tennessee College of Law July 11, 2007.

**Publications**

“In Defense of a ‘Thin’ Second Amendment: Culture, the Constitution, and the Gun Control Debate,” *Albany Government Law Review* (forthcoming 2008).

“Dormant Commerce Clause Limits on the Regulation of Big Boxes and Chain Stores: An Update,” *58 Case Western Res. L. Rev.* (forthcoming 2008).

“The Year of the Gun: Second Amendment Rights and the Supreme Court,” *86 Texas Law Review* (2008).

“*Frederick v. Morse* and the Regulation of Student Cyberspeech,” with Molly C. Taylor, *Hastings Constitutional Law Quarterly* (forthcoming 2008).

“Is the Dormant Commerce Clause Expendable? A Response to Edward Zelinsky,” *77 Mississippi Law Journal* 623 (2007).

“*Gonzales v. Carhart*: An Alternate Opinion,” 2006–2007 *CATO Supreme Court Review* 167 (solicited contribution). ♡

# CLASS NOTES

1969

**Roy B. Gonas** was recognized recently for his many years of service in south Florida and his work in the Florida Bar. The City of South Miami proclaimed March 5, 2007, "Roy B. Gonas Day," citing his leadership in Rotary International, where he was district governor for south-east Florida and Grand Bahama Island, as well as other civic accomplishments, including founding the Youth Ethics Initiative, a student-led ethics program involving four counties. The mayor of Coral Gables bestowed Distinguished Citizenship on Gonas for his effective leadership as a previous chairman of the Coral Gables Chamber of Commerce and his work in ethics. The Monroe County Board of Commissioners named March 18, 2007, "Roy B. Gonas Day," recognizing his positive impact on Monroe County students with the Youth Ethics Initiative and other Rotary achievements. A lawyer and arbitrator, Gonas lives in Miami-Dade County with his wife, clinical psychologist Roselyn Smith. They have two sons.

**Henry B. Ray**, former vice chairman of RealtySouth, is the first real estate executive from Alabama to receive the Distinguished Service Award from the National Association of Realtors. He received the association's highest honor in November 2007 at the annual convention in Las Vegas, Nev. The award recognizes outstanding contributions and service to the real estate industry, including the association and the community, for at least 25 years. Ray has held at least nine positions for the association. He served as president of Ray & Co. and First Real Estate Corp. until 2000, when the company was acquired by RealtySouth. He then served as vice chairman of RealtySouth's board of directors and chief administrative office until 2003. He serves in business development area at the law firm Haskell Slaughter Young & Rediker, LLC.

**Tom Woodruff** was presented "The Circle Of Gold" award by the Florida State University National Alumni Association in April 2008. Since 1993, only 145 awards have been presented. It recognizes individuals who, through their

service and achievements, personify the university's tradition of excellence. Woodruff also won a silver medal in his division at the Nature Valley, NASTAR National Championships Steamboat Co., modified slalom races in March 2008. It was his first competition ski-racing event.

1974

**J. Randall May** was appointed a North Carolina administrative law judge in High Point, N.C. The position is a lifetime appointment. May was assistant Guilford County public defender for more than 19 years.

1976

**John G. Beard** was inducted into the Alabama Senior Citizen's Hall of Fame in 2007 for his lifelong work of improving the quality of life of Alabama's senior citizens. President of Alacare Home and Health and Hospice, Beard is cofounder of the Hospice and Home Health Fund of Alabama. He is a leader with many local and national organizations, including the Alabama Home Care Association, the American Association for Home Care, the Alabama Quality Assurance Foundation, Alzheimer's of Central Alabama and the UAB Center for Aging.

**Wayne Morse Jr.**, an attorney with Waldrep Stewart & Kendrick LLC, recently was named a Fellow of the Litigation Counsel of America [LCA], an honorary society comprised of experienced litigators and trial counsel throughout the United States. Fellowship in the LCA is a high honor in the legal profession, representing less than one percent of American lawyers. Fellows are considered to be among the best trial lawyers in the nation, known for their professional accomplishments and ethics. Morse's former firm, Morse & Dolan PC, merged with Waldrep Stewart & Kendrick LLC in June 2008.



**Charlie Waldrep**, partner and attorney with Waldrep Stewart & Kendrick LLC, recently was recognized in the first annual "Alabama Super Lawyers" listing, the only

lawyer in the state chosen solely in the Governmental Relations category. The listing was published in *Alabama Super Lawyers* magazine and in a special supplement to the May 2008 issue of *Business Alabama*.

1977

**Ann Thornton Field**

was named vice chair of the Board of Visitors of the National Judicial College [NJC] with Cozen O'Connor.



Located at the University of Nevada-Reno, the NJC is the nation's top judicial training institution.

**G. Stephen Wiggins** announces his association with Wiggins, Jones & Davis PC.

1978

**George Copeland, Jr.** joined Adams & Reese in the firm's Mobile, Ala., office as special counsel.

**J. Mark Hart**, attorney with Haskell Slaughter Young & Rediker, LLC, was honored as a charter Fellow of the Litigation Counsel of America [LCA], an honorary society comprised of experienced litigators and trial counsel throughout the United States. Fellowship in the LCA is a high honor in the legal profession, representing less than one percent of American lawyers. Fellows are considered to be among the best trial lawyers in the nation, known for their professional accomplishments and ethics. Hart's practice encompasses all areas of insurance litigation. He represents clients in business tort cases and other complex civil litigation, and maintains an active appellate practice, including appeals in the United States Supreme Court. He is a frequent lecturer and author on insurance law matters for various professional and industry groups, and he served from 1992 to 1996 as Amicus Curiae Chair of the Alabama Defense Lawyers Association.

1979

**James H. Fry** was appointed executive director of Legal Services Alabama by the Board of Directors.

**Clyde E. Jones** is a candidate for the Alabama Court of Criminal Appeals.

**Scott H. Mustin** announces the relocation of his office to: The Mellon Bank Center, 1735 Market Street, Suite 600, Philadelphia, PA 19103, 215-893-8741, smustin@finemanlawfirm.com.

#### 1981

**Thomas R. Bopp**, attorney with Fowler White Boggs Banker in Tampa, Fla., became president of the 3,800-member Hillsborough County Bar Association June 30, 2008.

**Jeffrey W. Storie**, an attorney with the Fort Worth, Texas, firm of Decker Jones, is the newest member of the Trademark Public Advisory Committee [TPAC]. TPAC is a nine-member panel that advises the director of the United States Patent

and Trademark Office [USPTO] on operations and policy matters. TPAC also is charged with submitting an annual report to the president and key congressional leaders on the state of the U. S. trademark system. Jon Dudas, undersecretary of commerce for intellectual property and USPTO director, administered the oath of office to Storie during a brief ceremony Feb. 4 at USPTO headquarters in Alexandria, Va.

**Randall M. Woodrow** and **Jason C. Odom '94**, announce the formation of Woodrow & Odom LLC in Anniston, Ala.

#### 1983

**John B. Barnett** is president of BankTrust in Brewton, Ala. A Monroeville native, he has been area president of BankTrust in that community and will continue his responsibilities for the BankTrust Monroeville market along with his new position. Barnett served in private law practice in Monroeville until 1999. He was named chairman of the board of the

Monroe County Bank in 1994 and chairman and CEO in 2004 before the merger into BankTrust. He and his wife, Rebecca, have three children: Courtney, a chemical engineer in Baton Rouge, La.; John, a student at the University of Alabama; and Mallory, a student at Auburn University.

**Ronald Gilbert** announces the relocation of his law firm, Colling, Gilbert, Wright & Carter, LLC, to 801 North Orange Avenue, Suite 830, Orlando, FL 32801.

Chancellor **J. Steven Stafford** of Dyersburg was named 2007 Trial Judge of the Year by members of the Tennessee Chapter of the American Board of Trial Advocates, an invitation-only organization of plaintiff and defense lawyers that seeks to promote professionalism, courtesy and the preservation of the Seventh Amendment right to trial by jury. Stafford also was appointed to the Tennessee Court of Appeals, Western Section, in June 2008.

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## A Law Degree to its Fullest Extent



“At one time, I would have laughed if you had told me I would be doing something other than practicing law,” said **Larry Noe '75** of Campbellsville, Ky. In

May 2007, Noe was named president of Saver Group, Inc., a chain of 28 grocery stores throughout Kentucky, Ohio, Virginia and North Carolina.

Cumberland School of Law kindled his entrepreneurial instinct. He hung out a shingle in Campbellsville Oct. 1, 1975, the day he learned he passed the bar, and tried mainly personal injury cases. Under Kentucky's unique system, he also was named a prosecutor and prosecuted criminal cases in the county for more than a decade.

After 16 years as a trial attorney and prosecutor, Noe now has both feet firmly planted in the business world. He and his partners own four real-estate companies in Kentucky, Ohio and Virginia that operate primarily as landlords in commercial real-estate settings.

In the mid-1980s, Noe and a partner were developing a motel. He had invested in some undeveloped property and a road was planned to run through it. A little later, someone approached him about building a grocery store.

“We were building a furniture store,” he said, “and a fellow approached us about putting in a grocery store. We bought one, and before we knew it, we had 28 Sav-a-Lot stores with a 29th planned for Roanoke Rapids, N.C. Eventually, my business interests grew larger than my law practice.”

Noe's career always seemed to branch out. He came to the law school in 1972, fresh from the University of Kentucky as an agricultural economics major.

“I have such an appreciation for Professor Bishop and [then professor and dean] Charles Gamble, Dean Weeks and Corley,” he said. “I feel extremely blessed to have had the opportunity to attend Cumberland. It gave me a great preparation for my law practice and for what I'm doing today.”

Even though Noe is more readily defined as a great businessman, his legal expertise still plays an important part in his day-to-day affairs.

“Today, I have worked on real-estate matters, on a leasing agreement, on investment and employment matters, and on income tax issues,” he said. “I don't claim to have an expertise in those areas—I have outside counsel—but my law degree is nonetheless invaluable.”

Noe says that his business is similar to his work in law. “I answer to the board of directors and have to consider what is in the best interests of the shareholders,” he said. “I also balance their interests with the interests of the 700 employees who work for us, and the seven to eight million families who choose to shop with us. In my law career, I did whatever was in the best interest of my client as well. It all goes back to doing the right thing. You can never go wrong when you are fair to your clients, customers or employees.” ☺

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He serves as the 2007–08 chairman–elect of the Board of Trustees for the Tennessee Bar Foundation.

#### 1985

**Beverly P. Baker** was named a Fellow of the Alabama Law Foundation. Membership in the foundation is limited to 1 percent of the state bar’s membership. Fellows must be members of the bar for a minimum of 10 years, must demonstrate remarkable dedication to the legal profession and to their community, and be willing to make a contribution to the foundation. Baker is a shareholder in Ogletree Deakins’ Birmingham office and chair of the firm’s Diversity Committee.

#### 1987

**Helen Shores Lee** delivered the 2008 Marie NeSmith Fowler Lecture in Christianity, Women and Leadership Studies at Samford University in February 2008.

**Bryant Gordon Speed II** is a new partner at the Rome, Ga., firm of Brinson, Askew, Berry, Seigler, Richardson & Davis, LLP. He specializes in civil litigation with a special emphasis on workers’ compensation law. Speed was an assistant district attorney in the Rome District Attorney’s Office during 1994–98. He then entered private practice with an Atlanta firm for several years. In 2000, he was appointed district attorney of the Rome Judicial Circuit and served in that capacity until December 2002, when he joined Brinson, Askew, Berry, Seigler, Richardson & Davis, LLP.

#### 1988

**Lucy C. Hicks** was appointed senior vice president and general counsel of Diagnostic Health Corporation. She will coordinate matters regarding the corporation’s legal affairs at the newly independent diagnostic imaging company. Hicks has extensive legal expertise in the health–care industry, most recently serving as senior vice president and deputy general counsel for HealthSouth Corporation. Before joining HealthSouth, she served as legal counsel to the University of Alabama System for its operating division, the University of Alabama at Birmingham,

and to the director of the UAB Research Foundation, the technology transfer operation for UAB. Before working with UAB, Hicks was vice president of legal services for Caremark Rx, formerly known as MedPartners, Inc. She also served as a certified cytogenetic technologist in the UAB Laboratory of Genetics, and in the Toxicology and Pharmacology Division of Southern Research Institute.

**Joe Hilley** released his latest novel in the summer of 2007. *The Deposition* follows *Night Rain*, which was released in April. Born in Birmingham, Hilley grew up in Grand Bay near the vast expanses of marsh grass along the Gulf Coast that provide the backdrop for his books. His previous novels include *Sober Justice*, *Double Take* and *Electric Beach*. For more information about *The Deposition* and to read a sample chapter, go to [www.joehilley.com](http://www.joehilley.com)

**William B. Nickell III** was a contributing author in the manual *Counseling the Small Business Client* in Florida. He also wrote several tax insights regarding Florida taxation for Lexis. He closed his practice and returned to the General Counsel’s Office at the Florida Department of Revenue.

#### 1989

**Richard Eldon Davis**, a partner with Starnes & Atchison, LLP, was selected as a Charter Fellow of the Litigation Counsel of America [LCA]. He also was listed in the 2008 edition of *Alabama Super Lawyers*. Davis is a member of the Alabama State Bar Environmental Law Section Executive Committee and is serving as the section’s secretary.

**David T. Tirella**, a senior attorney with Cohen, Jayson & Foster, P.A., became a board–certified civil trial lawyer by the National Board of Trial Advocacy. He also was selected as an individual member of the American Association of Paralegal Education [AAPE], and was invited to speak on the topic of “Expert Witness Selection” at the 2007 AAPE National Conference in Baltimore, Md. An adjunct professor at Stetson University College of Law, Tirella teaches a course in expert witnessing.

#### 1990

**Michele Graham Bradford** was appointed director of diversity and compliance for Gadsden State Community College in Gadsden, Ala.

**Chris Craun** is running for judge in the Florida Third Circuit. He lives in Lake City, Fla., with his family.

**Glen Murphy**, formally of McQueen & Murphy, L.C. in Charleston, W.Va, established Murphy Law, PLLC, located in South Charleston, W.Va. in June 2007.

#### 1991

**William Gary Beard** was nominated by President Bush in 2007 to be promoted to the rank of brigadier general, United States Army Reserve. The United States Senate confirmed the promotion, and Beard received his star during the summer. He will command the 351 Civil Affairs Command in Mountain View, Calif. The unit is comprised of more than 1,700 soldiers located in six states. Beard maintains his position as assistant district attorney in West Palm Beach, Fla.

**Richard R. Pettit** focuses his practice on mediation and conflict resolution. Based in Chattanooga, Tenn., he has led workshops throughout the United States and 11 foreign countries. In May 2007, he led a weeklong reconciliation training program in Moscow. Much of his work is with Christian churches and ministries, but he is also a Rule 31 mediator.

#### 1994

**Jason C. Odom and Randall M. Woodrow ’81** announced the formation of Woodrow & Odom LLC in Anniston, Ala.

#### 1995

**Robert L. Martin** received his master of laws degree in criminal law from the Army Judge Advocate General’s Legal Center and School, located at the University of Virginia in May 2007. Captain Martin is assigned to the Office of the Staff Judge Advocate, Joint Forces Headquarters in Florida.

**Jeffrey P. Watson** joined the Jacksonville, Fla., office of Fowler White Boggs Banker as a litigator focusing in employment and labor law and litigation, including representation of employers in diverse businesses and industries. He has extensive experience in trade secret and restrictive covenant litigation in state and federal courts, representing several companies in such matters on a nationwide basis. A past president of the Federal Bar Association, Jacksonville Chapter, Watson received his B.A. from Stetson University and an M.B.A. from Jacksonville University.

#### 1998

**Marc James Ayers** was named partner in the firm of Bradley Arant Rose and White LLP.

**Julie Gorham** recently accepted the position of compliance and business integrity officer with the Southeast Louisiana Veterans Health Care System.

**Lezly Petrovich** and Christopher Wilson married June 23, 2007, in New Orleans, La. They spent their honeymoon in the Galapagos Islands, Ecuador, and now reside in New Orleans, La. Many Cumberland alumni celebrated the day with the couple, including **Sherilyn Lowder Jaillette '97, Brett McDaniel '98, Nancy Hahn Ippilitto '98, Ryan Northrup '98, Elizabeth Driver '98, Teri Hayes Smith, '98, Lezly Petrovich Wilson '98, Melissa and Christopher Puri '98,** and **Carrie Stevenson '99.**

#### 1999

**Jason Johnson** was made a partner and shareholder at the firm of Lowndes, Drosdick, Doster, Kantor & Reed.



**Ashley Miller Lanier** was named partner at Weissman, Nowack, Curry & Wilco, P.C., in Atlanta, Ga. She specializes in the representation of non-profit corporations organized as homeowner or condominium associations.

#### 2000

**Audrey Reitz Channell** joined the Birmingham law firm of Wallace, Jordan, Ratliff & Brandt, LLC, as an associate.

**Chris Cohron** was named Kentucky Commonwealth's Outstanding Attorney for 2007. He also was elected president of the Kentucky Commonwealth's Attorneys Association. He has served as Commonwealth's attorney for the Eighth Judicial Circuit of Kentucky since he was elected in 2004.

**Allison Lee Dearing** is a policy analyst with the Jefferson County Family Violence Coordinated Community Response program.

**Joel L. DiLorenzo** is associated with the law firm of Alvis & Willingham, LLP.

**Khristi Driver** was made a partner (member) at the Haskell Slaughter law firm in Birmingham. Her practice focuses on civil trials and appeals.

**Timothy R Fiedler** opened a new office location at 505 East New York Avenue, Suite 2, DeLand, Fla.

**T. Scott Kelly** of Ogletree Deakins in Birmingham was elected chair of the Labor and Employment Committee for the American Bar Association's Young Lawyers Division. The committee provides young lawyers who are interested in labor and employment law with information and opportunities for networking and professional development.

**Demetra L. Liggins** joined the Corporate Reorganization and Creditor's Rights Practice Group of Thompson & Knight in Houston, Texas. She was formerly with the firm of Winstead, PC.



#### 2001

**Catherine Kendrick Webster** recently joined Calibre, a division of Wachovia Bank serving ultra-high-net-worth clients of \$50 million or more, as a financial and estate-planning adviser. Her husband, Brooke, is an assistant district attorney in Winston-Salem, N.C.

## Cumberland Graduates Named Fellows of the Alabama Law Foundation

The Alabama Law Foundation strives to make access to justice in Alabama a reality for all Alabama citizens. The Alabama Law Foundation is the only 501(c)(3) statewide organization that supports programs providing civil legal aid to the poor. Lawyers across Alabama participate in the Alabama Law Foundation.

The foundation acknowledges that lawyers contribute a valuable service to society by devoting their lives to the study and practice of law. Recognizing that lawyers make their living from the legal system, the Alabama Law Foundation provides ways for Alabama lawyers to give something back and better the world around them.

Their service and commitment to a just society help the foundation meet its objective. Fellows are chosen on the basis of their "demonstrated outstanding dedication to their profession and community."

### 2007 Fellows from Cumberland School of Law

W. Michael Atchison '68  
Beverly P. Baker '85  
Scott A. Powell '78  
Michael L. Roberts '77  
S. Shay Samples '76  
Albert L. Shumaker '65

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**Scott C. Williams** was named a shareholder of Manier & Herod in Nashville, Tenn., one of the state's oldest law firms.



**Latanishia Watters** was made a partner (member) at the Haskell Slaughter law firm in Birmingham. She maintains a diversified commercial litigation practice with particular experience in bankruptcy, creditors' rights claims, securities fraud, and broker-dealer litigation and arbitration.

#### 2002

**Tiffany A. Brown** was named a partner with the firm of Hadley, McLeroy & Brown in Panama City Beach, Fla.

**M. E. Buck Dougherty, Kimberly Walker Dougherty** and their three sons live in Collierville, Tenn. He is an attorney with Husch & Eppenberger LLC in Memphis.

**Neal Hartzog** and his wife live in Alexandria, Va. He is an attorney for the U.S. Patent and Trade Office. She manages the showhouse program for *Southern Accents* magazine.

**Katherine Erickson Loper** joined the Jacksonville, Fla., law firm of Peek, Cobb, Edwards & Ragatz, P.A. Her practice focuses on serious personal injury and wrongful death cases, as well as estate and trust litigation. Previously, she was an associate with Green & Bradford in Pensacola and Matthew Sowell, P.A. in Jacksonville.

**S. Michael Pack, Jr.** is partner in the law firm of Dennis, Shaw & Drennan, LLC, in Spartanburg, S.C. His practice areas include corporate law, estate planning, probate and taxation.

**Molly J. Williams** of Collateral Real Estate Capital AVP, was listed in the *Birmingham Business Journal's* 2007 "Top 40 Under 40." Collateral President and CEO David A. Roberts said, "Molly is a proven attorney and a true asset to our company."

#### 2003

**Tina M. Coker** joined the Office of Alabama's Attorney General Troy King as an assistant attorney general. She practices in the Capital Litigation Division.

**Joseph C. Kreps** is managing partner of Kreps Law Firm LLC in Vestavia Hills, Ala., specializing in defense, real estate transactions and title insurance.

#### 2005

**Stuart L. Sims** joined the Bloom Law Firm, LLP, in Atlanta, Ga., as an associate. His practice focuses on real estate/land use litigation, complex commercial litigation and municipal law. The firm is located at 100 Peachtree Street, Suite 2140, Atlanta, GA 30303, 404-577-7710, 404-577-7715 fax, www.bloom-law.com.

**Hans Schmidt** was named Baker Donelson Birmingham Pro Bono Attorney of the Year.

#### 2006

**Bruce J. Downey IV** joined Walton Wells & Birchall LLP as an associate.

**Clinton D. Graves** joined Kaufman Gilpin McKenzie Thomas Weiss PC as an associate.

#### 2007

**W. M. "Bains" Fleming III** joined Norman, Wood, Kendrick & Turner as an associate.

**Allison Jo Garton** joined the firm of Starnes & Atchison LLP as an associate.

**Kyle C. Hankey** is an associate with Bradley Arant Rose & White LLP.

**Stephanie H. Mays** joined the firm of Maynard, Cooper & Gale PC as an associate in the Birmingham office.

**Stewart W. McCloud** joined Huie, Fernambucq & Stewart LLP as an associate.

**Jennifer H. Reid** joined Huie, Fernambucq & Stewart LLP as an associate.

**W. Allen Sheehan** joined Capell & Howard PC as an associate. ♀♂

## BIRTHS

#### 1997

**Laura Daniel Cohron** and **Chris Cohron**, of Bowling Green, Ky., a son, Christopher Travis, born Nov. 1, 2007.

#### 2002

**Jimmy** and **Claire Hyndman Puckett**, a son, James Chappell Puckett III, born January 4, 2008.

#### 2006

**Taylor Clark Powell** and **Elizabeth Strong Powell**, a daughter, Sara Clark Powell, born April 3, 2008. ♀♂

# IN MEMORIAM

**Nat Bryan '85**, a partner with Marsh, Rickard, & Bryan P.C., died Aug. 25, 2008. A ceremony was held Aug. 29 at All Saints Episcopal Church in Homewood. He is survived by his wife, Ashley, his son, Jack, and his daughter, Kate.

Tennessee Court of Appeals Judge **William Bryan Cain '58**, age 75, of Columbia, Ala., died in September 2007. He was appointed to the appeals court in 1986, elected in 1988 and reelected in 2006. During 1971–86, he was circuit court judge for the 22nd Judicial District. He was a delegate to the Tennessee Constitutional Convention of 1965. He served as a Columbia city attorney from 1969 to 1973.

A ceremony was held August 6 honoring the late **John F. Cosgrove '75**. Guests were invited to attend the sign unveiling and designation of a segment of Florida's Turnpike as the John F. Cosgrove Highway.

**H. Kenneth Deatherage '50** died Oct. 18, 2007.

**Michael Orizaba Emfinger '81** died Jan. 15, 2008. He clerked for U.S. District Judge Robert Varner and later was named executive director of the State Health Planning and Development Agency, where he served for five years. He served 17 years as district judge of Bullock County before he retired in November 2007.

**Benson I. "Ben" Hattem '55**, age 74, of Belvedere, Calif., died Jan. 22, 2008, after a long battle with non-small-cell lung cancer.

**John Harrell '66** died Aug. 27, 2008. He practiced with the law firm of Bradley Arant Rose & White for 35 years. He was a long time member of St. Mary's-on-the-Highlands Episcopal Church, where he served as senior warden, treasurer and Sunday school teacher. He was active in Episcopal Place and was a member of Mountain Brook Club. Harrell is survived by his wife, Beverley Davies Harrell; children, Frances Harrell Watt and John Evans Harrell; grandchildren, William Sheppard Watts and Virginia Frances Watts; sister,

Lell Harrell Forehand; niece, Laura Forehand Wright; and nephew, Greg Forehand.

**Noel Johnson '92** of Gladewater, Texas, died in August 2007. He practiced in Longview, Texas.

**William "Bill" McHugh '47**, age 83, died March 7, 2008. He served in the U.S. Air Force in the Pacific theatre during WWII. He had been engaged in private law practice since 1947. He was a member of the American, Tennessee and Nashville Bar Associations, Hillwood Country Club, Claiborne Masonic Lodge #293 and Al Menah Shrine Legion of Honor. He was a 32nd-degree Scottish Rite Mason and Knights Templar.

**Judge Robert Morgan '44** died Aug. 6, 2008. In 1968, he was appointed chief district judge for the 11th Judicial District of Harnett, Johnston and Lee counties. He remained in that position until his retirement from the bench in 1978. Besides his work in the legal community, Morgan also contributed through lifetime membership at Kipling United Methodist Church, and became a Mason in 1949. He is survived by his wife, Linda Barbour Morgan, a son and three daughters.

**Alan Neal Post '84** of Highpoint, N.C., died June 19, 2008. He was a past board member of First Bank, the String and Splinter Club, the Kiwanis Club and High Point Estate Planning Council, and was very involved in his local church. Post specialized in real property law, real estate finance, and zoning, planning and land use. He was a member of the North Carolina State Bar Association, Real Property Section, and the Guilford and High Point Bar Associations. He served as a North Carolina Bar candidate interviewer.

**Christopher Adam Price '96** died Oct. 22, 2007. He was laid to rest Nov. 3, 2007 at Faithful Central Church in Los Angeles, Calif.

**Perry Relfe '75** died Aug. 24, 2008. He was serving as president and treasurer, Birmingham Urban Revitalization Partnership. Previously, he served as vice president of university relations, Samford University. He was a longtime executive of SouthTrust Bank, serving as chief

financial officer—finance and administration. He is survived by his sons, Charles P. Relfe, Jr., William A. Relfe, J. Mitchell Relfe, and Andrew C. Relfe; grandchildren, Abigail, Rebecca, Ashley and Allison; his mother, Evelyn P. Relfe; brother, J. Massey Relfe; and sister, Margaret R. Copeland. ☞

## Planned Gift Will Fund Scholarship

**Tom Jones '66** met two goals by creating a testamentary charitable annuity trust through his will: providing a dependable income for his wife, Shirley, should he die first, and providing a scholarship for law students in the U.S. Armed Forces. The trust provides a consistent income stream for Shirley for her lifetime and then becomes the corpus for an endowed scholarship.

Jones had dual careers in the Navy and U.S. Department of Justice. His trust will provide a scholarship for law students who have served at least two years on active duty, or are currently members of a Reserve or National Guard component of the military while attending law school.

Creating the trust was simple and is easily replicated. **Stan Davis '78**, director of estate and gift planning for Samford, reviewed Jones' plan and documents, which were signed on campus.

Dean John Carroll and President Andrew Westmoreland met with the Joneses to express appreciation on behalf of Samford and its students. The university serves as trustee for the trust, and both Shirley and law students benefit.

For information on how planned gifts can help you reach some of your dreams for your family and the law school, contact Jim Lewis, 205-726-2887, [jnlewis@samford.edu](mailto:jnlewis@samford.edu), or Stan Davis, 205-726-2366, [csdavis@samford.edu](mailto:csdavis@samford.edu). ☞

# Carol H. Stewart '82 is 2008 Lawyer in Residence

The Lawyer in Residence program at Samford University's Cumberland School of Law recognizes the accomplishments of law school alumni. Each year, a distinguished practitioner is invited to spend two days on campus as the lawyer in residence, speaking to a variety of classes related to the lawyer's area of practice, and meeting with students in formal and informal settings. This unique educational program allows students to augment the traditional curriculum with the experiences of current practitioners.

**Carol H. Stewart '82** practices in the Real Estate and Litigation sections at Burr & Forman, LLP, focusing in the area of condominium law and business torts litigation. She is the author of the "Condominium Law" chapter in *Legal Aspects of Real Estate*. In 1994, she completed the Alabama section in *Real Estate Transaction Series: Condominium Law and Practice* (Matthew Bender). She is a regular lecturer in the areas of condominium law and homeowners associations.

Stewart was admitted to the Alabama and Georgia Bars in 1982, the Florida Bar the following year, and recently to the Tennessee Bar. She served a nine-year term on the Board of Bar Commissioners of the Alabama State Bar, and served on the Disciplinary Commission and the MCLE Commission. She is panel chairman of the Character and Fitness Committee and on the MCLE Rules, Regulations and Enforcement Committee. She has served as chairman of the Business Torts and Antitrust Section of the State Bar.

Stewart served on the Executive Committee of the Birmingham Bar Association in 2000 and is a past president



*Carol H. Stewart '82*

of the Women's Section of the Birmingham Bar. She is a member of the American Bar Association, Alabama State Bar, State Bar of Georgia, the Florida Bar, and the Tennessee Bar Association. She serves on the Alabama Law Institute, Real Estate, and is a Fellow of the Alabama Law Foundation and the American Bar Foundation. She is listed in *The Best Lawyers in America* and *Chambers USA* for her work in real estate law.

Stewart received the L. Burton Barnes Award for Public Service in 2001 from the Birmingham Bar Association. In 2003, she received Volunteer of the Year from Cumberland School of Law and the Board Member of the Year Award from Hand-in-Paw.

Stewart received her B.S. in chemistry

from the University of North Carolina at Charlotte and her M.S. degree in forensic sciences from the University of Alabama at Birmingham. She received her J.D., magna cum laude, from Cumberland. During law school, she served as Law Day Chair and Recent Decisions Editor for the *Cumberland Law Review*. Upon graduation, she became law clerk to Chief Judge Sam C. Pointer, Jr. of the U.S. District Court for the Northern District of Alabama. She has served the law school in recent years as the Birmingham Club and the Annual Funds Chairperson. For the past five years, she has served on the Advisory Board.

Stewart's passions include her grandchildren, Judson and Alice McLean, and rescuing homeless dogs. She and her husband, Rusty, have five dogs, and have fostered hundreds of abandoned dogs and puppies from local animal shelters. She has devoted years of service to animal organizations, including serving as board president of Hand-in-Paw, an animal-assisted therapy organization, and the Greater Birmingham Humane Society. She participated in Big Brothers/Big Sisters for more than 10 years, and is a member of the Cathedral Church of the Advent and the Women's Network. She was a 1999 participant in Leadership Birmingham and formerly served on the Board of Pathways, an organization that serves homeless women and children.

Currently, she serves as secretary-treasurer of the Board of Directors of the Community Real Estate Foundation. ♀



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