James and Pitts Win Defense Verdict in Workers' Compensation Trial

Paul M. James, Jr. and Jessica S. Pitts won a defense verdict in a Workers' Compensation trial involving a back injury. Plaintiff worked at a factory where she was required to do some lifting of five to twenty-five pound bags. The Plaintiff claimed she injured her back in an on-the-job accident in May of 2011. Plaintiff, however, did not inform her employer of her alleged injury until she was terminated from employment for falsifying a doctor's note. According to the Plaintiff's medical records, she suffered from a disc bulge, but Plaintiff was unable prove that the disc bulge was the result of an injury at work.

Ward and Pitts Granted Summary Judgment

In April 2009, Plaintiffs purchased granulated chlorine from a local swimming pool store. A store employee instructed Plaintiffs on how to mix and use the product. Plaintiffs prepared the chlorine and water mixture. Plaintiffs' son noticed the mixture was foaming and picked up the container. The mixture exploded causing burns to Plaintiffs' two sons. The sons had extensive medical treatment with substantial bills.

Plaintiffs sued the owner of the store, claiming that the store failed to properly instruct them on how to mix and use

chlorine and that the product was sold in a defective condition. Mr. Ward and Ms. Pitts filed for summary judgment asserting contributory negligence and product misuse by Plaintiffs. The Honorable John Bush granted summary judgment on all counts.

Stakely Inducted into the American College of Trial Lawyers

Frank J. Stakely has become a Fellow of the American College of Trial Lawyers, one of the premier legal associations in America. Founded in 1950, the College is composed of the best of the trial bar from the United States and Canada. Fellowship in the College is extended by invitation only, and only after careful investigation, to those experienced trial lawyers who have mastered the art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility, and collegiality. Lawyers must have a minimum of fifteen years trial experience before they can be considered for Fellowship.

The College strives to improve and elevate the standards of trial practice, the administration of justice, and the ethics of the trial profession. Qualified lawyers are called to Fellowship in the College from all branches of trial practice. Membership in the College cannot exceed one per cent of the total lawyer population of any state or province.

Wells Elected to Board of Trustees of American Federal Institute on Taxation

Helen Crump Wells has recently been elected to the Board of Trustees of The American Institute on Federal Taxation. Board members are elected by the existing board from experienced tax attorneys and accountants. The Board of Trustees is composed of certified public accountants and attorneys representing the entire spectrum of tax practice.

The American Institute on Federal Taxation is a tax-exempt organization whose function is to advance the knowledge of federal taxation through programs of study. The Board of Trustees ensures that all viewpoints are represented in planning each program. The speakers chosen are highly proficient in their respective area of federal taxation and, of equal importance, are outstanding public speakers.

Eighteen Rushton Stakely Attorneys Named Best Lawyers for 2013

Rushton Stakely is pleased to announce that eighteen of our attorneys were chosen for the 2013 edition of *The Best Lawyers in America*®. The selected lawyers are: **Dennis R. Bailey**,

Communications Law, Bet-the-Company Litigation, Commercial Litigation, Litigation – Banking & Finance, Litigation – Intellectual Property, Litigation – Labor & Employment, Litigation – Real Estate, and Product Liability Litigation – Defendants; **Jeffrey W. Blitz**, Real Estate Law; **L. Peyton Chapman**, Medical Malpractice Law – Defendants; **Ronald G. Davenport**, Personal Injury Litigation – Defendants; **William I. Eskridge**, Real Estate Law; **James W. Garrett, Jr.**, Personal Injury – Defendants, Mediation, and Insurance Law; **Richard B. Garrett**, Medical Malpractice Law – Defendants and Personal Injury Litigation – Defendants; **William S. Haynes**, Medical Malpractice Law – Defendants and Personal Injury Litigation – Defendants; **J. Theodore Jackson, Jr.**, Litigation & Controversy – Tax, Tax Law, Trusts & Estates; **Paul M. James, Jr.**, Personal Injury Litigation – Defendants; **Thomas H. Keene**, Medical Malpractice Law – Defendants and Personal Injury Litigation – Defendants; **Daniel L. Lindsey**, Tax Law and Trusts & Estates; **Patrick M. Shegon**, Medical Malpractice Law – Defendants; **Christopher S. Simmons**, Litigation & Controversy – Tax, Employee Benefits (ERISA) Law, Public Finance Law, Tax Law, and Trusts & Estates; **Frank J. Stakely**, Medical Malpractice Law – Defendants and Personal Injury Litigation – Defendants; **Fred W. Tyson**, Medical Malpractice Law – Defendants and Personal Injury Litigation – Defendants; **Robert C. Ward, Jr.**, Mediation and Insurance Law; and **Helen Crump Wells**, Tax Law and Trusts & Estates.

For 29 years, *Best Lawyers* has been regarded as the definitive guide to legal excellence in the United States. Inclusion in the *Best Lawyers* list is based on a rigorous national survey of leading U. S. attorneys. The 2013 edition is derived from over 3.9 million detailed evaluations of attorneys by their peers. We are proud that eighteen of our attorneys were recognized with this distinguished honor.

Wells Selected for “Women Leaders of the Law”

Helen Crump Wells will be included in the January issue of *The American Lawyer Magazine* in the feature “Women Leaders in the Law”. This article will honor women attorneys who are highest rated for legal ability and ethical standards and who have achieved leadership status.

She has also been selected for inclusion in the list of *The Best Lawyers in America*® for over 15 years and has been a shareholder since 1992.

Shegon and Ward Elected into the American Board of Trial Advocates

Patrick M. Shegon and Robert C. Ward, Jr., shareholders of Rushton, Stakely, Johnston and Garrett, P.A., have been elected into the American Board of Trial Advocates (ABOTA) and the Alabama Chapter of ABOTA. ABOTA membership is by invitation only and requires extensive experience as lead counsel in civil trials. The organization seeks attorneys who display skill, civility, and integrity and who help younger attorneys achieve a higher level of trial advocacy. There are approximately 7,000 members of ABOTA in the United States, and only 97 Alabama lawyers have met the stringent requirements

for admission and have been invited to join the membership of ABOTA. Two of the eleven Alabama lawyers selected this year are Rushton Stakely shareholders. There are nine shareholders of Rushton, Stakely, Johnston & Garrett, P.A. who are now members of ABOTA.

Rushton Stakely Earns Prestigious Tier 1 Ranking

Rushton, Stakely, Johnston & Garrett, P.A. is pleased to announce that it has once again earned top metropolitan rankings in the *U.S. News* and *Best Lawyers* "Best Law Firms" publication. Our firm has proudly served the Montgomery community and the State of Alabama for over 120 years, and we would like to thank our many devoted clients who have allowed us to achieve the prestigious Tier 1 ranking. The rankings are based on a rigorous evaluation process that includes the collection of client and lawyer evaluations, peer review from leading attorneys in their field, and review of additional information provided by law firms as part of the formal submission process. Law firms are evaluated on factors such as responsiveness, understanding of legal issues, understanding of client needs, cost-effectiveness, pro-bono commitment, and civility. We are very proud to report that our firm achieved the highest Tier 1 ranking in the following areas: Insurance Law, Litigation – Tax, Mediation, Medical Malpractice Law – Defendants, Personal Injury Litigation – Defendants, Real Estate Law, Tax Law, and Trusts & Estates Law. According to *U.S. News* and *Best Lawyers*, "achieving a high ranking is a special distinction that signals a unique combination of excellence and breadth of expertise."
In addition to the best firm rankings, the following members

of our firm have been recognized as the best lawyers in their fields: Dennis R. Bailey, Jeffrey W. Blitz, L. Peyton Chapman, Ronald G. Davenport, William I. Eskridge, James W. Garrett, Jr., Richard B. Garrett, William S. Haynes, James Theodore Jackson, Jr., Paul M. James, Thomas H. Keene, Daniel L. Lindsey, Patrick M. Shegon, Christopher S. Simmons, Frank J. Stakely, Fred W. Tyson, Robert C. Ward, Jr., and Helen Crump Wells. Our mission is to continue to provide this top level of service throughout the State of Alabama in the coming years.

Rushton Stakely And Center For Business Host Employment Law Luncheon

In July, Rushton Stakely once again partnered with the Center for Business to host an employment law networking luncheon for human resources professionals. During this meeting, attorneys **Alan T. Hargrove, Jr.** and **Robert C. Ward, Jr.** lectured on updates regarding evolving employment laws and regulations and current trends facing Alabama employers. As a service to our clients and the local business community, Rushton Stakely and the Center for Business regularly host employment law luncheons throughout the year. These luncheons are designed to provide networking opportunities for local human resource professionals and to present practical advice for handling a variety of legal challenges that arise in the workplace. If you are interested in registering to attend a future employment law luncheon, please contact our firm administrator, Leslie McGlaun at 334-206-3166.

Five Rushton Stakely Attorneys Named 2013 Lawyers of the Year by Best Lawyers in America

Best Lawyers, the oldest and most respected peer-review publication in the legal profession, has named five Rushton Stakely lawyers as Lawyers of the Year for 2013. The lawyers receiving this distinguished honor include:

Thomas H. Keene as the "2013 Montgomery Personal Injury Litigation – Defendants Lawyer of the Year"

James W. Garrett, Jr. as the "2013 Montgomery Insurance Law Lawyer of the Year"

Fred W. Tyson as "2013 Montgomery Medical Malpractice Law Lawyer of the Year"

Christopher S. Simmons as "2013 Montgomery Litigation and Controversy – Tax Lawyer of the Year"

Daniel L. Lindsey, Jr. as "2013 Montgomery Trusts and Estates Lawyer of the Year"

Each year, *Best Lawyers* designates "Lawyers of the Year" in high-profile legal specialties in large legal communities. Only a single lawyer in each specialty in each community is honored as the "Lawyer of the Year."

Best Lawyers compiles its lists of outstanding attorneys by conducting exhaustive peer-review surveys in which thousands of leading lawyers confidentially evaluate their professional

peers. The lawyers being honored as “Lawyers of the Year” have received particularly high ratings in these surveys by earning a high level of respect among their peers for their abilities, professionalism, and integrity.

Steven Naifeh, President of *Best Lawyers*, says, “We continue to believe – as we have believed for more than 25 years – that recognition by one’s peers is the most meaningful form of praise in the legal profession.”