Best Lawyers Names Keene, Jackson, and Ward as Lawyers of the Year

Best Lawyers, the oldest and most respected peer-review publication in the legal profession, has named three Rushton Stakely lawyers as Lawyers of the Year for 2012. The lawyers receiving this distinguished honor include:

Thomas H. Keene as the "Montgomery Best Lawyers Medical Malpractice Law – Defendants Lawyer of the Year"

J. Theodore Jackson, Jr. as the "Montgomery Best Lawyers Trust and Estates Lawyer of the Year"

Robert C. Ward, Jr. as "Montgomery Best Lawyers Insurance Law Lawyer of the Year"

After more than a quarter of a century in publication, Best Lawyers is designating "Lawyers of the Year" in high-profile legal specialties in large legal communities. Only a single lawyer in each specialty in each community is being 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 current, 18th edition of The Best Lawyers in America (2012) is based on more than 3.9 million detailed evaluations of lawyers by other lawyers.

The lawyers being honored as "Lawyers of the Year" have received particularly high ratings in our 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. We would like to congratulate Thomas H. Keene, J. Theodore Jackson, Jr., and Robert C. Ward, Jr. on being selected as the Lawyers of the Year for 2012."

Eighteen Rushton Stakely Attorneys Named Best Lawyers

Rushton Stakely is pleased to announce that eighteen of our attorneys were chosen for the 2012 edition of *The Best Lawyers in America*®. The selected lawyers are: Dennis R. Bailey, Communications Law, Bet-the-Company Litigation, Commercial, Banking & Finance, Intellectual Property, Labor & Employment, Real Estate, and Product Liability Litigation; Jeffrey W. Blitz, Real Estate Law; L. Peyton Chapman, Medical Malpractice Law; Ronald G. Davenport, Personal Injury Litigation; William I. Eskridge, Real Estate Law; James W. Garrett, Jr., Personal Injury, Mediation, and Insurance Law; Richard B. Garrett, Medical Malpractice Law and Personal Injury Litigation; William S. Haynes, Medical Malpractice Law and Personal Injury Litigation; James Theodore Jackson, Litigation & Controversy – Tax, Tax Law, Trusts & Estates; Paul M. James, Personal Injury; Thomas H. Keene, Medical Malpractice Law and Personal Injury Litigation; Daniel L. Lindsey, Tax Law and Trusts & Estates; Patrick M. Shegon, Medical Malpractice Law; Christopher S. Simmons, Litigation & Controversy – Tax, Employee Benefits (ERISA) Law, Public Finance Law, Tax Law, and Trusts & Estates; Frank J. Stakely, Medical Malpractice Law and Personal Injury Litigation; Fred W. Tyson, Medical Malpractice Law and Personal Injury Litigation; 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 2012 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.

Barbour County Jury Returns Defense Verdict After One Hour Deliberation

On July 19, 2008, Plaintiff fell as she was walking into Defendant grocery store. As a result of the fall, Plaintiff suffered a severely fractured elbow, which ultimately had to be surgically reconstructed and supported with metallic hardware. Plaintiff sued Defendant alleging that it acted negligently and wantonly by failing to maintain its premises in a reasonably safe condition.

Before and during trial, Plaintiff presented conflicting evidence with regard to how the accident occurred. Plaintiff ultimately alleged that she was made to fall because (1) the access ramp she was walking on at the time was not maintained to code and (2) the grocery store created a hazardous condition by placing an ashtray can in the middle of the walkway. Plaintiff produced expert testimony that the ramp and other features of the front entrance of the store were not built to code and, as such, were inherently hazardous. Plaintiff also argued that Defendant violated its own safety

procedures and protocols by failing to inspect the area.

Defense attorneys T. Kent Garrett and R. Brett Garrett countered by pointing out the inconsistencies in Plaintiff's evidence regarding how the accident occurred. Defendant also produced expert testimony that the ramp was, indeed, built to code, and was not at all hazardous. Defendant's expert further testified that City building officials reviewed and approved the construction plans for the ramp and walkway years before the accident occurred and determined that the design was safe and appropriate. In addition, Defendant testified that hundreds of thousands of customers have passed through the area where the fall occurred since the store opened for business, and that Plaintiff was the only person who had ever been injured as the result of a fall.

Plaintiff asked the jury to award her $500,000.00 in damages. The jury deliberated one hour before returning a verdict in favor of Defendant.

Shareholder Dennis R. Bailey Named "Top Lawyer"

Shareholder Dennis R. Bailey has been named as "Top Lawyer" in the Litigation 2011 – Supplement to *The American Lawyer*® *& Corporate Counsel,* Spring Edition.

Defense Verdict in Favor of Barbour County Physician

After five days of trial, William S. Haynes and Frank J. Stakely received a defense verdict from a Barbour County jury in favor of the Defendant physician. Plaintiffs claimed that the Defendant breached the standard of care for a board certified internal medicine physician by failing to detect an abnormality on the patient's x-rays which was later identified as cancer. The Plaintiffs then claimed that the delay in diagnosis caused the patient to undergo more aggressive chemotherapy and radiation than she otherwise would have received, and ultimately resulted in the patient's death.

On behalf of the Defendant, expert witnesses testified that given the circumstances of the patient's presentation when the x-rays were performed, the internal medicine physician's interpretation was reasonable and within the standard of care. The causation witness further testified that the unfortunate outcome could not have been prevented even if the diagnosis of lung cancer had been made at that time. The jury returned a verdict in favor of the Defendant physician.

Eminent Service Award Presented to J. Theodore Jackson

The Alabama Rural Electric Association of Cooperatives recently awarded the prestigious Eminent Service Award to shareholder J. Theodore Jackson at its 64th Annual Meeting

held in Montgomery. Ceremony attendees numbered in excess of 450 from over 60 Alabama counties.

The Eminent Service Award honors individuals who make outstanding contributions to Alabama's and to the nation's electric cooperatives. Only individuals of the highest caliber and with qualifications of great achievement contributing to the rural electrification program are chosen for this award.

The award has been given only twice in the last seven years. Past recipients include U.S. Senator Lister Hill, U.S. Senator John Sparkman, U.S. Senator James Allen, U.S. Senator Howell Heflin, Georgia U.S. Senator Herman Talmadge, Mississippi U.S. Senator Jamie Whitten, Congressman Tom Bevill, and U.S. Senator Jeff Sessions.

Mr. Jackson has served with Rushton Stakely since 1970, and was elected by the AREA Board of Trustees as its General Counsel in 1978. He also serves as General Counsel to PowerSouth Energy Cooperative, an electricity generation and transmission cooperative which is approaching $2 billion in assets, and as general counsel of several electric distribution cooperatives. He practices law in the areas of utility, energy, finance, taxation, and other areas of business law.

Rushton Stakely and Center for Business Host Employment Law Luncheon

In April, Rushton Stakely partnered with the Center for Business to host an employment law luncheon for human

resources professionals. During this meeting, attorneys Benjamin C. Wilson and Bethany L. Bolger lectured on recent legal issues in the workplace environment, including matters involving ADA, Title VII, age discrimination, sexual harassment, social media, privacy expectations, FMLA, and many other important topics. 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 at lmcglaun@rushtonstakely.com.

Alabama Supreme Court Affirms Dismissal of Legal Malpractice Case

Attorneys Involved: Alan T. Hargrove, Jr. and Bethany L. Bolger

The defendants, an attorney and his firm, were sued by a former client under the Alabama Legal Services Liability Act in Montgomery County Circuit Court. Attorneys Hargrove and Bolger successfully moved for the dismissal of the defendants in their initial responsive filing to the complaint. The plaintiff appealed the circuit court's decision to the Alabama Supreme Court, and Attorneys Hargrove and Bolger again defended the dismissal of the defendants.

The dismissal was affirmed by the Supreme Court of Alabama without opinion.

Rushton Stakely Attorneys Speak at Society for Human Resource Management Meeting

Shareholders Benjamin C. Wilson and R. Austin Huffaker, Jr. recently spoke at the June Meeting of the Montgomery Chapter of Society for Human Resource Management (SHRM) regarding recent trends in employment law. The presentation covered legal issues that frequently arise in different phases of the employment relationship including matters involving ADA, Title VII, age discrimination, sexual harassment, social media, privacy expectations, FMLA, and many other important topics. The employment lawyers of Rushton Stakely are often called upon to lecture on legal issues in the workplace environment. The firm also partners with the Center for Business to host employment law luncheons periodically throughout the year. If you are interested in receiving additional information about these topics or you would like to register to attend future employment law luncheons, please contact our firm administrator at lmcglaun@rushtonstakely.com.

Rushton Stakely Lawyers Obtain Plaintiff’s Verdict for Construction Company

Friday, at 4:20 p.m., after nine days of trial and four hours of deliberation in Dothan before the Hon. Mark E. Fuller, a seven-person federal jury ruled for the plaintiff, Glenn Construction Co. of Ozark and against the engineering firm of Barge Waggoner Sumner & Cannon as to all counts in the complaint. The jury awarded the plaintiff $1,232,520 in compensatory and $625,000 in punitive damages. The jury also requested to know if they could order the defendant also to take out a full page ad in the Dothan Eagle aplogizing to the owners of Glenn Construction for actions taken during the construction of an expansion of the US Helicopter facility at Blackwell field in Ozark. Plaintiff was represented by Dennis R. Bailey, R. Austin Huffaker, Jr. and J. Evans Bailey of the firm of Rushton, Stakely, Johnston & Garrett, P.A. of Montgomery. Defendant was represented by Skip Laney and Forrest Adams of Laney and Foster, P.A. of Birmingham.