Best Lawyers® Names Jackson Lawyer of the Year

Rushton Stakely is pleased to announce that shareholder, J. Theodore Jackson, Jr., has been selected as "Lawyer of the Year" in the 25th Edition of *The Best Lawyers in America*®. Mr. Jackson has been recognized in each edition since the inception of the publication, and has recently been honored for his work in Litigation and Controversy – Tax in Montgomery, Alabama. Only one lawyer is selected for this title in a specific practice field and location, and must obtain a number of positive votes per year for recognition in each edition.

Mr. Jackson began practicing with the firm in 1970 and has been a shareholder since 1973. He practices primarily in the areas of utility law, taxation (including tax planning and disputes arising out of audits), general corporate law, municipal and corporate finance, and the law of cooperative organizations. Mr. Jackson has substantial experience and expertise in the law of natural resources with emphasis on procurement, as well as administrative law and the drafting, analyzing, and reviewing of legislation. Additionally, he continues an active practice in estate planning, probate and administration of estates, and the representation of colleges, universities, and charitable trusts and foundations and other nonprofit organizations and their members. We are proud of Mr. Jackson's achievements, and we appreciate his contributions to the legal community.

Best Lawyers® is a credible legal guide, highly respected for their recommendations for legal referral resources and lawyers who excel in their practice. Best Lawyers has used peer review methodology for over 30 years in the legal profession, achieving national recognition with listings published in over 70 countries worldwide.

For over 125 years, Rushton Stakely has been a highly respected leader in the Alabama legal community. Founded in 1890, the firm is now composed of 30 experienced lawyers practicing in a broad spectrum of legal fields. The firm enjoys the reputation for active and successful trial practice statewide with attorneys skilled in virtually all areas of civil litigation. Rushton Stakely and its lawyers have been recognized repeatedly for outstanding performance and quality service to its clients throughout the country.

Seventeen Rushton Stakely Lawyers Named Best Lawyers 2019

Rushton Stakely is pleased to announce that seventeen of our attorneys were chosen for the 2019 edition of The Best Lawyers in America©. The selected lawyers are: **Dennis R. Bailey**, Bet-the-Company Litigation, Commercial Litigation, Communications Law, 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; **William I. Eskridge**, Real Estate Law; **Alan T. Hargrove**, Insurance Law, and Litigation – Insurance; **William S. Haynes**, Medical Malpractice Law – Defendants, and Personal Injury Litigation – Defendants; **R. Austin Huffaker, Jr.**, Appellate Practice; **J. Theodore Jackson, Jr.**, Litigation and Controversy – Tax, Tax Law, Trusts and 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 and 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 and 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; **Helen Crump Wells**, Tax Law, and Trusts and Estates; **Benjamin C. Wilson**, Litigation – Healthcare, and Litigation – Labor & Employment.

For over 30 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, and Corporate Counsel® magazine has called Best Lawyers "the most respected referral list of attorneys in practice." We are proud that seventeen of our attorneys were recognized with this distinguished honor.

Dennis R. Bailey Elected President of the Alabama Defense Lawyers Association

Dennis R. Bailey, shareholder, was elected President of the Alabama Defense Lawyers Association during the 2018 Annual Meeting. He will serve in that position until June 2019.

Bailey and Bailey Win Summary Judgment

Dennis and Evans Bailey recently won a summary judgment for the Dothan Eagle newspaper in a case involving a motor vehicle-pedestrian collision. The Plaintiff alleged that the tortfeasor was working as an agent or employee of the Dothan Eagle at the time of the accident. Dennis and Evans were able to demonstrate to the Court’s satisfaction that the alleged tortfeasor was actually an independent contractor, and the Dothan Eagle could not be liable as a result. The case is Westmoreland v. Dothan Eagle, Inc., et al., Coffee County Circuit Court, Enterprise Division, Case No. 17-900185.

Owner Awarded Counterclaim Against Contractor in AAA Construction Dispute Arbitration

Rushton Stakely attorneys Ted Jackson and Dennis Bailey were recently successful in defending claims against an electric cooperative made by a general contractor relating to the construction of a new operations center involving large metal buildings. The contractor claimed the plans and specifications were defective because the metal building manufacturer’s engineers would not agree to incorporate specified metal

decking into an office area of one of the metal buildings. The general contractor claimed over $600,000 in extended general conditions, Eichleay delay damages, additional work and interest which it claimed were related to delays associated with a dispute between the owner's architect and consulting structural engineer and engineers employed by the metal building manufacturer. After several days of testimony presented to a AAA arbitrator, the arbitrator ruled for the owner, an electric cooperative, on all claims asserted by the contractor and awarded the owner $170,000 on its counterclaim relating to completion delays. Arbitrator fees were assessed against the contractor. There was no appeal and the award and fees were paid by the contractor as directed. Ted Jackson handled the pre-arbitration dispute and Dennis Bailey handled the arbitration proceedings.

James Defends Termite Company against Multi-Million-Dollar Claim

Paul M. James, Jr. defended a Birmingham based termite company in an arbitration arising out of assertions of extensive termite damage to Plaintiff's multi-million-dollar home. The Plaintiff claimed improper treatment and inspections over the course of 35 years, as well as numerous violations of the rules and regulations governing the business activities of termite companies as well as the application of government approved termiticides. The Plaintiff sought a multi-million-dollar verdict based on the damages contained within the house.

The matter took a week to try. The Arbitrator returned a small verdict in favor of the Plaintiff, the amount of which was less than 3% of the amount sought by the Plaintiff within the arbitration proceeding. The Arbitrator issued an opinion agreeing with most every defense promulgated by the Defendants.

Rushton Stakely Receives Top Rankings by U.S. News and Best Lawyers

Rushton, Stakely, Johnston & Garrett, P.A. is pleased to announce that it has earned top metropolitan rankings in the 2018 edition of the *U.S. News and Best Lawyers* "Best Law Firms" publication. Rushton Stakely has been serving the legal community for over 125 years, and we would like to thank our many devoted clients who have allowed us to achieve these prestigious rankings. The rankings are based on the results of exhaustive surveys of over 13,000 attorneys and 7,500 clients. In these surveys, clients were asked to evaluate law firms 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 Metropolitan Tier 1 ranking for Montgomery in the following areas: Insurance Law, Litigation – Tax, Medical Malpractice Law – Defendants, Personal Injury Litigation – Defendants, Product Liability Litigation – Defendants, Real Estate Law, Tax Law, and Trusts & Estates Law. In addition, we received Tier 2 rankings in Appellate Practice, Commercial Litigation, Employee Benefits (ERISA) Law, Litigation – Banking & Finance, Litigation – Real Estate,

and Public Finance Law; and Tier 3 rankings in Litigation – Labor & Employment. According to *U.S. News and Best Lawyers*, "Firms included in the 2018 "Best Law Firms" list are recognized for professional excellence with persistently impressive ratings from clients and peers. Achieving a tiered ranking signals a unique combination of quality law practice and breadth of legal 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, William I. Eskridge, Alan T. Hargrove, Jr., William S. Haynes, R. Austin Huffaker, Jr., J. Theodore Jackson, Jr., Paul M. James, Jr., Thomas H. Keene, Daniel L. Lindsey, Jr., Patrick M. Shegon, Christopher S. Simmons, Frank J. Stakely, Fred W. Tyson, Helen Crump Wells, and Benjamin C. Wilson, Jr. Our attorneys have years of experience representing a wide range of clients in a variety of complex matters, and they have been recognized repeatedly for their outstanding legal experience, knowledge of the law, impartiality, and effective communication skills. We are proud that our firm has been recognized once again by *U.S. News* and *Best Lawyers*, two of the oldest and most respected leaders providing consumer advice, rankings, and analysis to the legal and business communities.

Seventeen Rushton Stakely Attorneys Named Best Lawyers

2018

Rushton Stakely is pleased to announce that seventeen of our attorneys were chosen for the 2018 edition of The Best Lawyers in America©. The selected lawyers are: **Dennis R. Bailey**, Bet-the-Company Litigation, Commercial Litigation, Communications Law, 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; **William I. Eskridge**, Real Estate Law; **Alan T. Hargrove**, Insurance Law, and Litigation – Insurance; **William S. Haynes**, Medical Malpractice Law – Defendants, and Personal Injury Litigation – Defendants; **R. Austin Huffaker, Jr.**, Appellate Practice; **J. Theodore Jackson, Jr.**, Litigation and Controversy – Tax, Tax Law, Trusts and 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 and 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 and 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; **Helen Crump Wells**, Tax Law, and Trusts and Estates; **Benjamin C. Wilson**, Litigation – Healthcare, and Litigation – Labor & Employment.

For over 30 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, and Corporate

Counsel® magazine has called Best Lawyers “the most respected referral list of attorneys in practice.” We are proud that seventeen of our attorneys were recognized with this distinguished honor.

Bailey Obtains Dismissal of Appealed Defamation Claim

Dennis Bailey obtained a dismissal of an appealed defamation claim. A Ugandan missionary sued The Alabama Baptist Newspaper in Jefferson County claiming an article concerning his operations in Africa was defamatory. The circuit court granted summary judgment that the article was not capable of a defamatory meaning nor written with actual malice toward the missionary. The missionary filed post-judgment motions and then appealed to the Alabama Supreme Court. The appeal was dismissed October 28, 2017, due to the expiration of the time to appeal established in Ala. R. Civ. Pro. 59.1. Evans Bailey and Jessica Trotman participated in the briefing process.

Haynes and Sellers Win Defense Verdict in Talladega County Nursing Home Wrongful

Death Trial

William Haynes and Philip Sellers achieve defense verdict in Talladega County nursing home wrongful death trial. The case was styled *Thomas Ray Goggins on behalf of the Estate of Julia Goggins v. Sylacauga Health Care Authority d/b/a Coosa Valley Medical Center*, Talladega County, CV-2012-900109.

The Plaintiff alleged that the defendant breached the standard of care by allowing a resident in the defendant's long-term care facility to develop decubitus ulcers thereby causing the resident's death. At trial, the defendant put on evidence that established that the defendant's care was reasonable and appropriate at all times and that the resident's decubitus ulcers were the result of pre-existing medical conditions rather than any breach of the standard of care on the part of the defendant's nursing staff.

After an eight day trial, the jury returned a verdict in favor of the defendant.