

The Guardian

The Newsletter of the Alabama Criminal Defense Lawyers Association

October/November 2004

The Membership Campaign Begins Now and Begins With YOU!!

By Bobby Wooldridge, Membership Committee Chairman, Tuscaloosa, Alabama

Literally hundreds of attorneys throughout our state are undertaking the representation of defendants ill prepared and without a vital resource and asset...**Membership in ACDLA.** Your membership committee is determined to insure that these individuals join the fight and use the resources of ACDLA to win the battle for *justice*. A major membership campaign directed to all lawyers taking indigent appointments in the state is scheduled to begin in November and we have high hopes for that effort. But the **MOST effective recruitment tool** for our organization is sitting in your chair right now...and it is time **YOU** take on the challenge to insure that every criminal defense attorney in your community is worthy of that title and armed with the resources they need.

What committee or out of town "contact" can have the impact in YOUR community that a respected and esteemed friend or colleague, who has fought the fight locally, can have? If **YOU** were to contact that lawyer who has just started taking appointments... or the one who is a legend at your bar... and tell him he or she **NEEDS** to be a part of the voice of justice in this state,... what impact would it have. I cannot help believe that our membership would double in your town. Every criminal defense attorney needs to add to our chorus for justice and reason in this state, and our failure to pursue that goal is an indictment in itself. What other organization is truly committed to **JUSTICE** and the protection of individual rights for the poorest and least advantaged of our citizens? Where is there justice in our criminal justice system without zealous criminal defense advocates? It does not exist! But solo voices cannot resonate like a chorus. **And the ACDLA is our collective voice!!**

Now I am not so idealistic to assume everyone will join based solely on principles of justice... so let's look at what new membership **GIVES:**

1. **EIGHT (8) free hours of CLE** at our 2004 and 2005 Four Corners Seminars. Try getting that elsewhere for the cost of \$135.00. And we bring these seminars to **your area**, further reducing the costs.
2. **Access to the ACDLA Listserv:** Instant access to the collective experience, knowledge, and commentary of hundreds of criminal defense attorneys who are there for **YOU** when you need them. Whether you need strategy, law, jury charges, or just a form, the members of ACDLA are there for **YOU**. The immediate access and communication of breaking law alone is worth the membership.
3. **Discounts to the finest seminars in the state.** If anyone is accepting death penalty cases or felony criminal appointments and **NOT**

attending our death penalty and summer seminars, you are missing the best opportunities to help your clients period.

4. **Listing and referrals from the ACDLA website.** Our site gets dozens of inquiries for referrals, which are directed to our membership directory.
5. **A Statewide presence on issues affecting criminal defense.** ACDLA, often alone, has fought to protect the rights of the accused and those attorneys who represent them. We are only limited by those who will not join the fight. It is the goal of President Jim Roberts to expand our legislative impact and influence in the coming year.

Not to mention our amicus committee, our publications, or the fellowship of our organization that not only makes it rewarding, but also enjoyable. I guess I wonder why a criminal defense attorney would not join. Maybe it is because **YOU** have not invited him to be a part of ACDLA. So, I challenge you...in **YOUR** community... to be a part of our membership committee. **TALK** to the lawyers practicing in your area. Encourage them to **JOIN**. There is very little that a good criminal defense attorney cannot do... so do **YOUR** part to make ACDLA stronger in your community. (See membership application on page 10)

Four Corners Seminars - Six Locations!

DECEMBER 3, 2004

Anniston – Calhoun County Courthouse
Florence – Lauderdale County Courthouse
Mobile – Mobile Governmental Complex, Ceremonial Courtroom

DECEMBER 10, 2004

Dothan – Ramada Inn on the Circle
Montgomery – Alabama State Bar, Board Room
Tuscaloosa – County Courthouse

See page 6 for details!

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President's Column

By Jim Roberts, Tuscaloosa, AL



ACDLA President
Jim Roberts

In the September issue of the Alabama Lawyer, I read with interest the Executive Director's Report by Keith Norman ("He Should Not Have Said It," 65 Ala. Lawyer 5 (September 2004)). For those of you who have not read Mr. Norman's article, Mr. Norman takes issue with the "jibes" of a sports-writer for the *Montgomery Advertiser* for comments made in his column covering Tennessee Head Football Coach Phillip Fulmer's absence from the Southeastern Conference Media Days in Birmingham.

According to Mr. Norman, the sports-writer "included the following statement in his article '... Once again, I am not a lawyer, and I would dig ditches before I'd be one because it's cleaner, more honorable work. ...'"

Mr. Norman chose to respond to these statements by letter and included that letter in his column. What drew my attention and gave me cause to comment on his article was not his very accurate assessment that every profession (including, he notes, journalism) has a few dishonorable people, his assertion that lawyers tend to render more community service than most professions or his statement that lawyers must abide by a written code of ethics. Instead, I was moved to comment in this space on Mr. Norman's article when I read his argument that such statements "... serve no good purpose and are merely divisive. Words are powerful instruments ... Society is not served by one group trying to tear down another. We have seen the results — we have all suffered."

I agree wholeheartedly with Mr. Norman that statements such as those contained in the *Montgomery Advertiser* are divisive and that society is not served by one group trying to tear down another. However my concern is that far too often, the group being torn down by such comments is the criminal defense bar and that those trying to tear us down are members of our own profession.

How many times have we heard or read comments from prosecutors challenging the moral and ethical nature of the lawyer representing a person charged with a crime? Just a couple of years ago, I read an interview with a District Attorney from a nearby county who had lost his bid for re-election. He was asked by the reporter about his plans after he left office. His response was that he would have to leave that county because it was too small to make a living in private practice without taking criminal defense cases and he could not ever imagine stooping to that.

However, most alarmingly, such comments are no longer reserved to prosecutors. Now they are made by judges as well. Alabama Criminal Appeals Judge Pamela Baschab recently wrote an article which appeared in the Alabama Lawyer ("Jury Nullification: the Anti-Atticus," 65 Ala. Lawyer 2 (March 2004)). In that article Judge Baschab noted her admiration for Atticus Finch for asking the jury to render a true verdict not based on the race of the defendant. She went on to write that those "[criminal defense] attorneys who encourage juries to nullify are the very opposite of Finch. They are the anti-Atticus attorneys. They do not respect the principle of justice or the almost sacred mission of the court."

This same spirit of derision and divisiveness is found on the national scene as well. How many times during the Scott and Lacy Peterson case have prosecutors that have become talking heads assail not only the defense lawyers in that case, but criminal defense lawyers in general? The same holds true with any high profile case. Does anyone remember O. J. Simpson? I suppose Judge Baschab would call Johnny Cochran an anti-Atticus.

Mr. Norman's letter to the *Montgomery Advertiser* noted that we have all suffered from this need for one group to try and tear down another. Mr. Norman was referencing the attacks of those from outside our profession against our profession, but we have seen the results of these attacks from within our profession against the criminal defense bar as well. Our office recently sent out questionnaires to prospective juries in preparation for a Capital Murder case. One of the questions was "What is the first thing that comes to your mind when you think of a lawyer who defends a person accused of a crime?" The responses: "Can he be trusted?" "How do they justify their job?" "They don't believe in the justice system."

Mr. Norman is right. Society is not served by one group, whether they are prosecutors or judges, trying to tear down another. The results are clear and as the responses to our questionnaire indicate, we have suffered. The sense of negativity that flows from attacks on criminal defense lawyers, like those mentioned above, can, at times, be overwhelming. I remember reading the responses to that questionnaire and wondering how anyone could think a criminal defense lawyer doesn't believe in the justice system. I assumed the response came from someone who just did not know any better. Then I read Judge Bashab's comments.

It is sad that members of our own profession, especially those charged with the responsibility of judge, find it necessary and easy

(Continued on page 5)

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

annscooper@hotmail.com or on 3.5" diskettes. Typewritten double-spaced hard-copy should accompany any submission on disk. ACDLA will also consider for publication articles which have appeared elsewhere. ACDLA reserves the right to select and edit material for publication.

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

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Guardian Deadlines

March 15, 2004
May 15, 2004
July 15, 2004
September 15, 2004
November 15, 2004

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

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

ACDLA
PO Box 1147
Montgomery, AL 36101

Please notify the ACDLA office immediately of any changes in your contact information.

If you are not on the ACDLA email discussion group and you would like to be, please send your name and email address to
annscooper@charter.net

FROM MY PERSPECTIVE

By Ann S. Cooper, Executive Director

FOUR CORNERS, SIX LOCATIONS

In December, ACDLA will offer its members six opportunities for 4 *FREE* CLEs. The Four Corners Seminars will be held around the state on December 3 and 10, 2004 in a total of six locations. On December 3 in Anniston, Florence and Mobile and on December 10, the same programs will be repeated in Dothan, Tuscaloosa and Montgomery. All programs will begin at 1 p.m. and conclude at 5 p.m. Please check this issue of *The Guardian* for complete information. If you're a member of ACDLA, it's free! Non-members may attend for \$125 or join ACDLA for the year \$135 and get in free. Talk it up and bring a friend to the Four Corners seminar nearest you. Our presenters will get back to the basics on topics and you will get 4 *FREE* CLEs!

DEATH PENALTY SEMINAR – SET FOR JANUARY 28 & 29, 2005

"Loosening the Death Belt IX," ACDLA's annual death penalty seminar, is set for January 28 and 29 in Birmingham at the Embassy Suites Hotel. Registration details are included in this issue of *The Guardian*. Early bird discounts apply until December 28 at \$300 per member. After December 28, registration is \$350 for members and non-members. Pre-registration is highly advised as materials are limited. The agenda and topics are outlined elsewhere in this publication. We encourage you to come and participate in one of the best capital case defense seminars in the country. Call Embassy Suites Hotel by December 28 to reserve your discounted room. Ask for the DP rate of \$129 single or double. Call 1-205-879-7400.

2005 MEMBERSHIP CAMPAIGN GETS UNDERWAY

Did you know nearly 1,800 criminal defense lawyers in Alabama are not members of ACDLA. In November, we hope to give each of them an opportunity to join for the next year. On November 1, the 2005 annual membership campaign will begin. All ACDLA members will receive a renewal notice. In addition, membership prospects will receive a letter from President Jim Roberts asking them to consider membership. If you know someone who is not currently a member of ACDLA, encourage him or her to join! We currently have over 560 members, but there is strength in numbers. You can join or renew your membership anytime on-line at www.acdla.org. Please remember, all 2004 memberships will expire on December 31. Don't let your membership expire, as you will lose your ability to participate on the listserv for 2005.

That's it for now. There's a lot going on at ACDLA and we encourage you to find a way to participate in this growing, vital organization. Whether you attend a Four Corners Seminar, go to Birmingham for the Death Penalty Seminar or come to the beach in June, ACDLA offers you a variety of ways to continue your professional growth. And, please know, we look forward to serving you every step of the way.

For more information about ACDLA programs and events, contact Ann Cooper at annscooper@charter.net or call 1-334-272-0064.

CAPITAL CORNER

By John E. Mays, Decatur, Alabama

Court Outlines Mental Retardation Issues and How to Write A Capital Sentencing Order

The Court of Criminal Appeals recently decided a very important case on the issue of mental retardation both as to trial issues and post conviction issues. The case was Morrow v. State 2004 WL 1909275. Never walk into a sentencing hearing in a capital case without a copy of this opinion in your hand.

First lets talk about the mental retardation issues. At three different points in this opinion the Court of Criminal Appeals castigat-ed the legislature for failing to adopt procedures to implement Atkins v. Virginia 536 US 304 (2002). They went so far as to strongly suggest that Atkins issues be determined pre-trial:

The better practice under Atkins is reflected by the procedure of such states as Indiana and Missouri, where the court makes a pre-trial determination of whether the defendant is mentally retarded and thereby spares both the State and the defendant the onerous burden of a futile bifurcated capital sentencing procedure. State v. Williams 831 So.2d 835, 860 (LA 2002).

As to this issue the court did not mention a possible reversible error occurring if the court allowed the parties to “death qualify” the jury in a case in which the death penalty couldn’t be considered.

The court sought to find a workable definition of mental retardation. They felt the definition set out in the Retarded Defendant Act, an act dealing primarily with pre-trial detention, found in 15-24-2 (3) was too broad for Atkins. The court re-affirmed the definition in Ex parte Perkins 851 So.2d 453, 456 (2002);

Those states with statutes prohibiting the execution of a mentally retarded defendant require that a defendant, to be considered mentally retarded, must have significantly sub-average intellectual functioning (an IQ of 70 or below), and significant or substantial deficits in adaptive behavior. Additionally, these problems must have manifested themselves during the developmental period (i.e. before the defendant reached age 18).

In Atkins, the Court noted that significant or substantial deficits in adaptive behavior are evidenced by “limitations in

two or more of the following applicable adaptive skill areas: communication, self care, home living, social skills, community use, self direction, health and safety, functional academics, leisure, and work. Atkins 536 U.S. at 308 m.3.

Alabama has decided some post-Atkins cases which tell us what is not mental retardation. The case of Ex parte Smith 2003 WL 1145475 tells us that an IQ of 66 at age twelve with an IQ of 72 as an adult with no deficits in adaptive behavior does not meet Alabama standards to make the death penalty unconstitutional as to the accused. The same holding occurred in McGowan v. State 2003 WL 22928607 except in that case the accused’s IQ was 76 with no deficits in adaptive behavior. In the case of Lee v. State 2001 WL 1299241 the accused had an IQ of 67 as an adult but there was no evidence of any deficits in adaptive behavior before age 18. ‘In Piraita v. State 2003 WL 21246440 the accused had an IQ of 75 as an adult and had to attend classes for the learning disabled. However, this case must be considered in the light that the IQ test was given to determine his capacity to waive his Miranda rights in a challenge to his pre-trial statement. The issue of mental retardation as a mitigating factor was never raised because the accused directed his counsel not to present mitigating evidence.

A premiere case on malingering and an irreconcilable IQ score is Lewis v. State 2003 WL 21246584. This defendant has an IQ of 58 as an adult but his IQ score of several years earlier was 109. Needless to say this is ridiculous unless the defendant had suffered some severe injury or illness in the interim. There was also no evidence of any deficits in adaptive behavior onset before the age of eighteen. Some evidence was presented that he malingered when he was given the last test. Common sense tells us there is something seriously wrong with the last test if the earlier one was valid.

In Stallworth v. State 868 So.2d 1128 (2003) the defendant’s IQ was 77 and there was “no significant sub-average general intellectual functioning in or associated with concurrent impairment in adaptive behavior.”

We have no choice but to conclude from all of Alabama’s post-Atkins case law that there is no simple, single-issue test to determine mental retardation. It requires several elements

requires all of the following issues to be present:

1. An IQ of 70 or less²
2. Significant sub-average general intellectual functioning associated with concurrent impairments in adaptive behavior in any two or more:
 - A. communication
 - B. self care
 - C. home living
 - D. social skills
 - E. community use
 - F. self-direction
 - G. health and safety
 - H. functional academics
 - I. leisure
 - J. work
3. These deficiencies must manifest themselves prior to age (18)

All of these criteria must be present. IQ alone will not prevent your client's execution. This is where creative and meticulous lawyering comes into play.

The trial lawyer must go back before age (18) and develop evidence from 2 (A - J) above. Clear and convincing evidence must be presented in two or more of these areas. Again, don't merely rely on the general IQ; demonstrate impairments in adaptive behavior resulting therefrom. Show as many ways as possible that your client's sub-average intelligence affected his or her life. Only then do you have a genuine issue under Atkins if your client is sentenced to die.

In Morrow the court stated that due to the failure of our legislature to adopt procedures in accordance with Atkins that 32 Alabama Rules of Criminal Procedure is the primary avenue of attacking post-trial the execution of the mentally retarded. The trial court has the power to order post-trial evaluation of defendants demonstrating mental retardation in their petition. This may be ordered at the request of either party. If in a hearing on the Rule 32 petition the trial court determines that the defendant meets the definition of mental retardation, the court must vacate the death sentence and sentence the defendant to life without possibility of parole.

Morrow also gave important directions for the trial court's sentencing order. This case was a judge override and the trial judge violated Ex parte Taylor 808 So.2d1215 (2001) and Ex parte Carroll 852 So.2d 833 (2002) by not stating "its specific reasons for giving the jury's recommendation the consideration it did". All the trial judge wrote was that he was "mindful" of the

jury's recommendation and gave it "due consideration and even certain deference". This is inadequate. If the judge decides to override the jury's recommendation the specific reasons therefore must be stated.

In the Morrow case the trial judge stated that he found:

. . . no statutory mitigating circumstances exist in this case. The Court has additionally found that other mitigating circumstances exist based upon evidence presented during this trial as well as any pre-trial and post-trial hearing.

Yet the trial court failed to identify any non-statutory mitigating circumstance which it considered. This is, as a matter of law, an inadequate sentencing order. The case was remanded to the trial judge to:

. . . specifically identify in its sentencing order those non-statutory mitigating circumstances that it did find to exist. ●

¹In this case there was also evidence that the defendant "exaggerated his psychological symptoms".

²Please remember that most of the standard tests given to determine IQ have an error factor of plus or minus 3 – 5 points and the accused is entitled to the benefit of any leeway.

PRESIDENT'S COLUMN

(Continued from page 2)

or acceptable to attack us. It is sad that they cannot see the inherent dignity of our work. I remember sitting with a senior attorney on a jury trial shortly after graduating law school. At the beginning of the trial, the judge told the jury that this case is the State of Alabama v. Fred Jones. The state, with all of its resources, against the individual. It was not until that moment that the magnitude of our responsibility struck me.

As criminal defense lawyers, we choose to stand between the state and the individual. We choose to defend the rights of persons accused because we believe those rights apply to all individuals regardless of their station in life or the nature of their charge. We choose to fight a noble battle because we recognize that without someone willing to fight for those persons by whom no one wants to stand, the rest of us are lost. For this, we should all be proud whether anyone else realizes it or not. I just hope that those members of our profession who regularly issue jibes against the criminal defense bar will read Mr. Norman's article and see the error of their ways. ●

FOUR CORNERS SEMINARS – *Headed Your Way!*

Presented by
Alabama Criminal Defense Lawyers Association

DECEMBER 3, 2004

ANNISTON
Calhoun County Courthouse

FLORENCE
Lauderdale County Courthouse

MOBILE
Mobile Governmental Complex,
Ceremonial Courtroom

DECEMBER 10, 2004

DOTHAN
Ramada Inn on the Circle

MONTGOMERY
Alabama State Bar, Board Room

TUSCALOOSA
County Courthouse

Today more than ever, criminal defense lawyers must focus on developing skills that win cases. Join fellow ACDLA members at the annual Four Corners Seminar closest to you for the latest insight into defending some of today's most common case scenarios:

- "Crawford v. Washington"
- "The Ethics of Criminal Defense"
- "Discovery Issues/404(b) Brady"
- "Getting Funds and Getting Paid"

Registration is advised for these events. Handout materials are limited.

Four Corners is free to ACDLA members and registration is \$125 for all others. OR...JOIN/RENEW YOUR ACDLA MEMBERSHIP at the DOOR FOR \$135 AND GET INTO FOUR CORNERS 2004 & 2005 Free!

4 CLEs have been applied for. Contact Ann Cooper at 334/272-0064 for more details or you may use the application form attached.

We look forward to seeing you there.

FOUR CORNERS SEMINARS

REGISTRATION FORM

Deadline for pre-registration: December 1, 2004.

SIGN ME UP FOR: (circle one)

- Mobile - Dec. 3 Anniston - Dec. 3 Florence - Dec. 3
 Montgomery - Dec. 10 Dothan - Dec. 10 Tuscaloosa - Dec. 10

Name(s): _____

Firm: _____

Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____

Email: _____

ACDLA Member Yes No

Renew/join for 2005 now! See details below.

Non-members \$125 per person for seminar registration only OR join/renew ACDLA as a Regular Member for 2005 at \$135 per person and get in free!

PAYMENT METHOD:

Check enclosed – Amount Paid \$ _____

MasterCard/VISA Card No.: _____

Name on Card: _____

Exp. Date: _____

Card Billing Address: _____

City, State, Zip: _____

Signature: _____

Return to: ACDLA, P.O. Box 1147, Montgomery, AL 36101

A Special Thanks to the Board and Members Gathered at the Annual Retreat

On August 6, long before Hurricane Ivan, ACDLA board members gathered in Gulf Shores at the Ono Island, family cottage of Board Member Bill Blanchard to review and plan programs for 2005. Approximately 25 ACDLA members came together for the important annual event. Many exciting new opportunities for professional development are coming from this meeting and everyone who attended deserves special thanks for their efforts.

This meeting would not have been possible without the continued commitment of the board and committee members. A special thanks is due Bill Blanchard (Blanchard Law Firm) of Montgomery for serving as the site host again this year. Bill tells us the cottage survived Ivan, but the boat dock was demolished. We also wish to thank Past President Ken Nixon (Lyons, Pipes & Cook) of Mobile for providing the delicious shrimp boil lunch. Good food makes hard work much easier.

HERE ARE A FEW SCENES FROM THE DAY'S ACTIVITIES.



(L-R) ACDLA President Jim Roberts (Tuscaloosa) makes his presentation while District II V.P. John Robbins (Birmingham) listens on.



ACDLA Board members Joe Van Heest (Montgomery) and Mike Upton (Tuscaloosa) wait patiently in the buffet line.



Membership Committee Chairman Bobby Wooldridge (Tuscaloosa) rests a minute before going back into the meeting.



Approximately 25 ACDLA members showed up to spend the day planning activities for 2005. Here (L-R) Bobby Wooldridge (Tuscaloosa), Mike Upton (Tuscaloosa), Joe Van Heest (Montgomery), Jeff Duffey (Montgomery) and Bill Blanchard (Montgomery) all gather to hear their assignments for the day.



(L-R) Out on the deck, Steve Glassroth (Montgomery), Melinda Morgan Austin (Florence), John Robbins (Birmingham) and Ken Nixon (Mobile) enjoy the delicious lunch provided by Ken's firm, Lyons, Pipes and Cook of Mobile.



Board Member Melinda Morgan Austin (Florence) takes care of paperwork while Jim Sturdivant (Birmingham) waits for the meeting to resume.



THE ALABAMA CRIMINAL
DEFENSE LAWYERS
ASSOCIATION

***“Loosening the
Death Belt IX:
Tightening the Defense—
One Life at a Time”***

A Death Penalty Seminar
Co-Sponsored by the Cumberland
School of Law, the University of
Alabama School of Law and the
American Bar Association Death
Penalty Representation Project

Friday, January 28 and
Saturday, January 29, 2005
Embassy Suites Hotel, Birmingham, AL
8 a.m.-5 p.m. daily

12 MCLE Credit Hours
(334) 272-0064 Conference Registration
(205) 879-7400 Hotel



**“LOOSENING THE DEATH BELT IX:
TIGHTENING THE DEFENSE—
ONE LIFE AT A TIME”**

About the Seminar

This seminar features some of the top criminal defense attorneys in the U.S. Southeast describing the life or death issues of capital casework. In this two-day event you will hear highly acclaimed death penalty lawyers talk about their experiences. Learn, first-hand, tried and true techniques specializing in court testimony and working with difficult clients. In addition, learn about juries – what motivates them and how they think.

Take away new insight on:

- “Recent Insights into Capital Litigation”
- “Mental Defenses”
- “Making the Jury Walk in Your Client’s Shoes”
- “Through the Looking Glass: Habeas Corpus Issues”
- “Building the Winning Team in a Capital Case”
- “The Heinous, Atrocious and Cruel Aggravator”
- “Trying a Case to Create a Residual Doubt”
- “Dealing with Judicial Override”
- “Saving Good Jurors on Voir Dire and Finding the Bad Ones”
- “Why Do Jurors Vote for Life and Death – What Motivates Them and What Doesn’t”

Registration is required, so fax, email or mail your registration today using the attached registration form or call Ann Cooper at 334/272-0064 for more information.

A room block is reserved for seminar participants at the Embassy Suites Hotel in Birmingham. Deadline for room registration is December 28, 2004. See the registration form for more details.

AGENDA

FRIDAY, JANUARY 28, 2005 – BALLROOM

- 8:50 a.m. "Opening Comments & Welcome" – *James H. Roberts, Jr.*, Tuscaloosa County Public Defenders Office, Tuscaloosa & President, ACDLA
- 9:00 a.m. "Recent Decisions in Capital Litigation" – *Penny J. White*, Professor of Law, College of Law, University of Tennessee
- 10:00 a.m. Break
- 10:15 a.m. "Mental Defenses" – *John E. Mays*, Attorney at Law, Decatur, AL
- 11:15 a.m. "Making the Jury Walk in Your Client's Shoes" – *Andrea D. Lyon*, Associate Clinical Professor of Law and Director of the Center for Justice In Capital Cases at DePaul University's College of Law in Chicago, IL.
- 12:15 p.m. Lunch – On Your Own
- 1:30 p.m. "Habeas Corpus Issues" – *Al Pennington*, Attorney at Law, Mobile, AL
- 2:30 p.m. "Building the Winning Team in a Capital Case" – *B. Michael Mears*, Director, Georgia Public Defenders Standards Council, Atlanta, GA
- 3:30 p.m. Break
- 3:45 p.m. "The Heinous, Atrocious and Cruel Aggravator" – *William R. Blanchard*, The Blanchard Law Firm, Montgomery, AL
- 4:45 p.m. Adjourn to Reception
- 5:15 p.m. Reception for Speakers and Participants

SATURDAY, JANUARY 29, 2005 – BALLROOM

- 9:00 a.m. "Trying a Case to Create a Residual Doubt" – *Emory Anthony*, Attorney at Law, Birmingham, AL
- 10:00 a.m. "Dealing With Judicial Override" – *Bruce A. Gardner*, Gardner Law Firm, Huntsville, AL
- 11:00 a.m. Break
- 11:15 a.m. "Keynote Address" – *Steve Bright*, Director, Southern Center for Human Rights, Atlanta, GA & Professor of Law, Yale Law School
- 12:15 p.m. Lunch – On Your Own
- 1:30 p.m. "Saving Good Jurors on Voir Dire and Finding the Bad Ones" – *John Mauldin*, Attorney at Law, Greenville, SC
- 2:30 p.m. "Opening Statements in the Penalty Phase" – *Bill N. Nettles*, Attorney at Law, Columbia, SC
- 3:30 p.m. Break
- 3:45 p.m. "Why Do Jurors Vote for Life and For Death – What Motivates Them and What Doesn't" – *Chris Adams*, Multi-County Public Defender, Atlanta, GA
- 4:45 p.m. Wrap-Up & Adjourn

This course or a portion thereof has been approved by the Mandatory Continuing Legal Education Commission of Alabama for a total of 12.0 hours' credit.

Registration: \$300 for ACDLA Members by 12/28/04; \$350 after 12/28/04 and all non-members at the door.

Hotel Accommodations: Embassy Suites Hotel, 2300 Woodcrest Place, Birmingham, AL 35209. 1-205-879-7400 – Ask for DP Rate of \$129 Single or Double. Room block will be dropped after 12/28/04.

REGISTRATION FORM

Name(s) _____

Firm _____

Address _____

City/State/Zip _____

Phone _____

Fax _____

E-Mail Address _____

I would like handouts in: Print Format CD Rom Format

	By	After
CHECK ALL THAT APPLY:	12/28	12/28
<input type="checkbox"/> Early Registration – 2004 ACDLA members	\$300.00	\$350.00
<input type="checkbox"/> Early Registration – Public Defenders	\$300.00	\$350.00
<input type="checkbox"/> Non-members ACDLA	\$350.00	\$350.00
<input type="checkbox"/> Materials Only	\$75.00	\$75.00
	Subtotal:	_____
	Total:	_____

*Registration does not include dues

METHOD OF PAYMENT

Check-Payable to ACDLA MC VISA

Credit Card No. _____

Name on card _____

Billing Address _____

Expiration Date _____

No Refunds after January 8, 2005. Substitutions accepted.

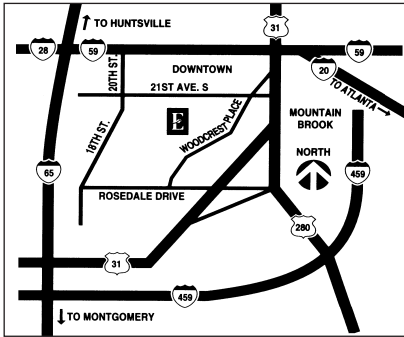
Signature _____

Email: anncooper@charter.net, Phone: 334-272-0064

Fax this form to: 334-277-2927

Mail with payment to: ACDLA, P.O. Box 1147, Montgomery, AL 36101

DEATH PENALTY CONFERENCE SITE



EMBASSY SUITES HOTEL
 Birmingham, Alabama
 2300 Woodcrest Place
 Birmingham, AL 35209-1321
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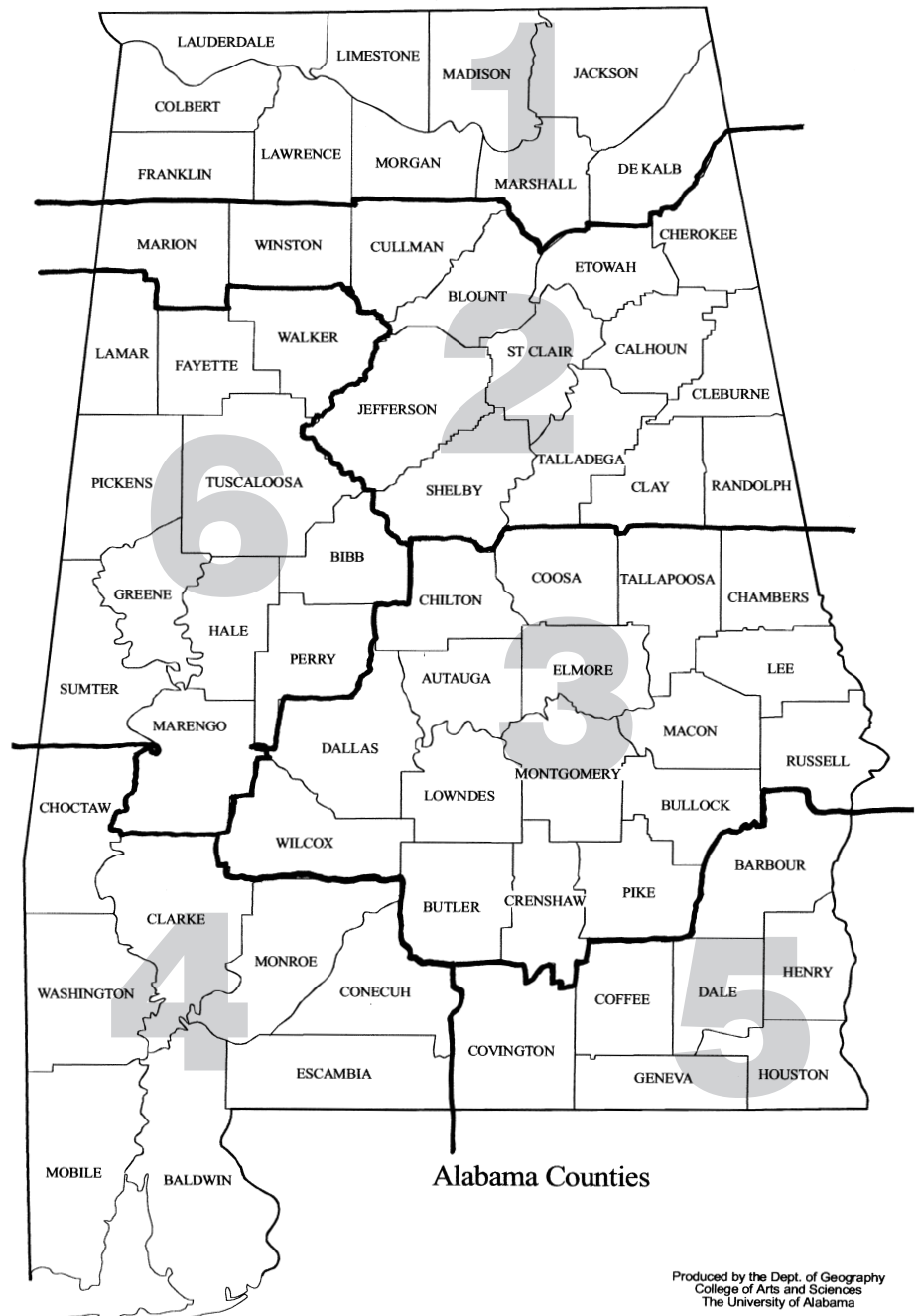
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