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# Membership Minute

## Did you know...

The Amicus Curiae Committee of the Alabama Association for Justice is a dedicated group of members who are charged with reviewing all applications for amicus briefs proposed to be filed in the name of the Association. For more than six decades, ALAJ members have represented people from all walks of life in their struggle to protect their businesses, their health, their family, and their freedom. The Amicus Curiae Committee is but one way ALAJ seeks “justice for all.”

*Bruce J. McKee of Hare, Wynn, Newell & Newton, LLP, provides some historical notes about ALAJ’s amicus curiae committee below:*

The National Association of Claimants Compensation Attorneys was founded in 1946. It later became the Association of Trial Lawyers of America, and, in 2006, the American Association for Justice (AAJ). The Alabama Plaintiffs’ Lawyers Association (later, the Alabama Trial Lawyers Association, and, now, the Alabama Association for Justice) was founded in 1953. Its first two presidents were W. E. Brobston and Francis H. Hare, Sr. In April 1953, the first APLA Bulletin was printed. The Journal was first printed in 1957.

I do not have any records from ALAJ’s early days. I do not know if the APLA filed amici briefs. Westlaw does show that, as early as the 1930s, Mr. Hare had filed amici briefs. See, for example, *In re Fite*, 228 Ala. 4, 152 So. 246 (1933) (a bar discipline case). Mr. Hare also appeared as amicus in *Ex parte Brooks*, 249 Ala. 606, 32 So. 2d 534 (1947) (depositions of parties). Near the end of his career, Mr. Hare also appeared as an amicus in *Dodd v. Board of Com’rs of Alabama State Bar*, 365 So. 2d 975 (Ala. 1979) (another bar discipline case).

Also in 1979, Mr. Hare filed an amicus brief in support of a plaintiff’s verdict in *Louisville & N. R. Co. v. Garrett*, 378 So. 2d 668 (Ala. 1979) (a railroad’s independent, corporate liability). The published opinion does not state whether the brief was on behalf of ATLA. Mr. Hare’s amicus brief in *Johnson v. Penrod Drilling Co.*, 510 F.2d 234, 235 (5th Cir. 1975) (future lost earn-

ings under Jones Act) was filed on ATLA’s behalf.

During his career, Francis H. Hare, Jr., “Brother Hare,” filed several amicus briefs in support of plaintiffs’ positions, sometimes in his personal capacity, and sometimes for other plaintiff groups, such as AIEG. One personal-capacity example is *Fireman’s Fund American Ins. Co. v. Coleman*, 394 So. 2d 334 (Ala. 1980) (co-employee liability, and the constitutional right to a remedy). ATLA’s amicus brief in *Daniel v. Heil Co., Inc.*, 418 So. 2d 96 (Ala. 1982) (statute of limitations for products-liability wrongful death) was authored by Brother Hare.

It is difficult to research the history of amici briefs with any certainty because pre-circa-2000 Alabama Supreme Court opinions in the Southern Reporter (and, as they appear in Westlaw or Lexis) often do not list amici briefs. Or, sometimes, a lawyer is listed as having filed an amicus brief, but there is no mention of what organization, if any, supported the brief.

The earliest mention I can find of an ATLA amicus brief is the one filed by David Cauthen in *Volz v. Liberty Mut. Ins. Co.*, 498 F.2d 659 (5th Cir. 1974) (relating to tortious interference).

In the late 1970s, John Haley became the editor of the Journal. In those days, the Journal editor was also in charge of amicus curiae briefing. In effect, the Journal editor was also the chair of ATLA’s amicus committee. Prior to John Haley, the person in that office was Lanny Vines. In Westlaw, the first mention of an amicus brief filed on

behalf of ATLA in an Alabama state court is Lanny’s brief filed in *B. F. Goodrich Co. v. Butler*, 56 Ala.App. 635, 324 So. 2d 776 (Ala. Civ. App.), cert. quashed, 295 Ala. 401, 324 So. 2d 788 (1975) (lump-sum workers’ compensation awards). Over the next few years, Lanny Vines (or lawyers in his firm) filed several ATLA amici briefs. Some examples are: *Golden v. McCurry*, 392 So. 2d 815 (Ala. 1980) (held: abolishment of contributory negligence would be left to legislature); *Aspinwall v. Gowens*, 405 So. 2d 134 (Ala. 1981) (insurance fraud and amount of punitive damages); *Lankford v. Sullivan, Long & Hagerty*, 416 So. 2d 996 (Ala. 1982) (products-liability statute of repose unconstitutional); *Jackson v. Mannesmann Demag Corp.*, 435 So. 2d 725 (Ala. 1983) (statute of repose regarding improvements to real estate is unconstitutional); *Aetna Life Ins. Co. v. Lavoie*, 475 U.S. 813 (1986) (recusal in bad-faith case); *Otwell v. Bryant*, 497 So. 2d 111 (Ala. 1986) (med-mal issues) (by Tim Davis and Lloyd Gathings of Edmond & Vines); *Ex parte Morris*, 530 So. 2d 785 (Ala. 1988) (expert witnesses not required to produce their income tax records) (by Mike Worel and Jeff Kirby of Edmond & Vines); and *Ex parte Tichenor*, 542 So. 2d 1225 (Ala. 1989) (foreign-corporation venue). [Tim Davis and Lloyd Gathings, then of Gathings & Tucker, filed ATLA’s amicus brief in *St. Paul Fire & Marine Ins. Co. v. Nowlin*, 542 So. 2d 1190 (Ala. 1989) (\$100,000 cap), and Lloyd authored ATLA’s amicus brief in *Skelton v. Druid City Hosp. Bd.*, 459 So. 2d 818 (Ala. 1984) (hospitals can be liable under UCC

warranty law).]

Some lawyers and firms have occasionally appeared for ATLA/ALAJ over several decades. For example, Ted Taylor and Leah Taylor filed ATLA amici briefs in: *Garrett v. Raytheon Co., Inc.*, 368 So. 2d 516 (Ala. 1979) (statute of limitations in radiation-exposure case) (with Ben Hogan); *Dennis v. American Honda Motor Co., Inc.*, 585 So. 2d 1336 (Ala. 1991) (contributory negligence in AEMLD case); *Ingram v. American Chambers Life Ins. Co.*, 643 So. 2d 575 (Ala. 1994) (ERISA preemption); and *United Companies Lending Corp. v. McGehee*, 686 So. 2d 1171 (Ala. 1996) (lender liability).

Steve Heninger, then at Hare, Wynn, filed the ATLA amicus in *Nationwide Mut. Ins. Co. v. Clay*, 469 So. 2d 533 (Ala. 1985) (bad faith and punitive damages). Later, after forming his own firm, he wrote the amici briefs in *Large v. Hayes*, 534 So. 2d 1101 (Ala. 1988) (pro ami hearings), and *Pacific Mut. Life Ins. Co. v. Haslip*, 553 So. 2d 537 (Ala. 1989) (amount of punitive damages). Greg Burge, then of Heninger, Burge & Vargo, authored the brief for ATLA in *Chandler v. Hospital Authority of City of Huntsville*, 548 So. 2d 1384 (Ala. 1989) (hospital's duty to indigent patients in emergency situations).

Jere Beasley, or lawyers in his firm, prepared ATLA's amici briefs in: *Ex parte Shepherd*, 481 So. 2d 1098 (Ala. 1985) (forum non conveniens) (by Frank Wilson); *Investment Management & Research, Inc. v. Hamilton*, 727 So. 2d 71 (Ala. 1999) (investor bound to arbitration); *Ex parte Hopper*, 736 So. 2d 529 (Ala. 1999) (arbitration clause adopted as an amendment to insurance society's governing law was not valid and enforceable against the insureds); and *Ex parte Shelton*, 738 So. 2d 864 (Ala. 1999) (arbitration of dispute with Medicare-supplement insurer).

Tom Powell has also helped on many amici briefs, and he filed ATLA's brief in *Ex parte Hospital Espanol de Auxilio Mutuo de Puerto Rico, Inc.*, 945 So. 2d 437 (Ala. 2006) (personal jurisdiction). Michael Roberts, the author of Alabama Tort Law, has contributed amici briefs in several cases, including: *Ex parte Murray*, 490 So. 2d 1238 (Ala. 1986) (work-comp benefits); *Alfa Mut. Ins. Co. v. Roush*, 723 So. 2d 1250

(Ala. 1998) (insurer's vicarious liability for agent's theft of premium); and *Morris v. Laster*, 821 So. 2d 923 (Ala. 2001) (pro-tanto settlements).

Over the years, many ATLA/ALAJ members have pitched in to author or co-author one or two amici briefs (or more). I have made no attempt to try to gather a complete and exhaustive listing of all amici briefs. Here are just a few examples: *Ex parte Wilson*, 408 So. 2d 94 (Ala. 1981) (venue in libel case) (Richard Gill); *Meeks v. Opp Cotton Mills, Inc.*, 459 So. 2d 814 (Ala. 1984) (work-comp retaliation claim) (Rod Max); *Ex parte Carpenter*, 510 So. 2d 549 (Ala. 1987) (existence of common fund is not prerequisite to award of attorneys' fees in equity case) (Roger Lucas and Elizabeth Jones); *Schwartz v. Volvo North America Corp.*, 554 So. 2d 927 (Ala. 1989) (failure to install an air bag) (Leon Ashford); *Mallisham v. Kiker*, 630 So. 2d 420 (Ala. 1993) (co-employee liability) (Steve Ford); *Ex parte Hayes*, 70 So. 3d 1211 (Ala. 2011) (work-comp benefits) (Gina Coggin, Leila Watson, William Powell, Gregory Denny, and Pat Ballard); *Ex parte Imerys USA*, 75 So. 3d 679 (Ala. Civ. App.), cert. denied (Ala. 2011) (work-comp benefits) (Jim Abernathy and Pat Ballard); and *AltaPointe Health Sys., Inc. v. Davis*, 90 So. 3d 139 (Ala. 2012) (probate court did not have subject-matter jurisdiction to issue contempt order against mental-health facility) (Pat Ballard).

While he was Journal editor and amicus chief, John Haley (with Brother Hare) filed ATLA's brief in *Chavers v. National Sec. Fire & Cas. Co.*, 405 So. 2d 1 (Ala. 1981) (the case that established the cause of action for an insurer's bad-faith denial of a valid insurance claim). John Haley filed the amicus brief in *Universal Underwriters Ins. Co. v. East Central Alabama Ford-Mercury, Inc.*, 574 So. 2d 716, 717 (Ala. 1990) (insurer's intervention rights). John Haley, as AC committee chair, and Bruce McKee, as the vice-chair, jointly filed amicus briefs in such cases as: *Beech v. Outboard Marine Corp.*, 584 So. 2d 447, 449 (Ala. 1991) (AEMLD alternative design) (also with Andy Citrin); *Peck v. Dill*, 581 So. 2d 800, 802 (Ala. 1991) (made-whole rule in insurance subrogation); and *Pacific Mut. Life Ins. Co. v. Haslip*, 499 U.S. 1 (1991)

(punitive damages).

Jack Drake became the chair of the AC committee, with Bruce McKee continuing as the vice-chair. Jack Drake, individually, filed many of ATLA's amici briefs during this time period. Some examples include: *Moore v. Mobile Infirmary Ass'n*, 592 So. 2d 156 (Ala. 1991) (med-mal damages cap unconstitutional); *Alabama Ins. Guar. Ass'n v. Hamm*, 601 So. 2d 419 (Ala. 1992) (offsets of UM and AIGA payments); *Delchamps, Inc. v. Morgan*, 601 So. 2d 442 (Ala. 1992) (punitive damages in malicious prosecution case); *Gray v. Liberty Nat. Life Ins. Co.*, 623 So. 2d 1156 (Ala. 1993) (insurer's conversion of bank funds); *Ex parte United Service Stations, Inc.*, 628 So. 2d 501 (Ala. 1993) (seeking mental-anguish damages in PI suit does not waive psychotherapist-patient privilege); *Life Ins. Co. of Georgia v. Johnson*, 684 So. 2d 685 (Ala. 1996) (amount of punitive damages); *Ex parte Gradford*, 699 So. 2d 149 (Ala. 1997) (error to charge jury on substantial evidence); *Safeway Ins. Co. of Alabama, Inc. v. Amerisure Ins. Co.*, 707 So. 2d 218 (Ala. 1997) (insurer's liability for post-judgment interest); and *Ex parte AmSouth Bancorporation*, 717 So. 2d 357 (Ala. 1998) (class certification).

Jack and Bruce also filed many ATLA briefs as co-counsel. These include: *South Coast Properties, Inc. v. Schuster*, 583 So. 2d 215 (Ala. 1991) (expert proof in products case); *Mitchell v. Huntsville Hosp.*, 598 So. 2d 1358 (Ala. 1992) (hospitals and common-fund attorneys' fees); *Hale v. Sequoyah Caverns and Campgrounds, Inc.*, 612 So. 2d 1162 (Ala. 1992) (premises liability; open and obvious); *Holland v. Eads*, 614 So. 2d 1012 (Ala. 1993) (unsealing court records); *Williams v. Delta Intern. Machinery Corp.*, 619 So. 2d 1330 (Ala. 1993) (refusal to adopt comparative negligence); *Dale v. Kelly*, 620 So. 2d 632 (Ala. 1993) (application of Rules of the Road to private parking lot); *Garner v. Covington County*, 624 So. 2d 1346 (Ala. 1993) (\$100,000 cap); *Gaut v. Medrano*, 630 So. 2d 362 (Ala. 1993) (joint employment; "special employee"); *Northwestern Mut. Life Ins. Co. v. Sheridan*, 630 So. 2d 384 (Ala. 1993) (amount of punitive damages against insurer); *Boykin v. Arthur Andersen & Co.*, 639 So. 2d 504 (Ala. 1994) (ac-



countant liability); *American Pioneer Life Ins. Co. v. Williamson*, 681 So. 2d 1040 (Ala. 1995) (amount of punitive damages); *Choat v. Kawasaki Motors Corp.*, 675 So. 2d 879 (Ala. 1996) (admiralty jurisdiction in jet-ski case); *Money Tree, Inc. v. Moore*, 677 So. 2d 1170 (Ala. 1996) (Mem.) (arbitration); and *Ex parte Wooten*, 681 So. 2d 149 (Ala. 1996) (premises liability).

Bruce McKee became chair of the committee, and his briefs on ATLA's behalf include: *Namislo v. Akzo Chemicals, Inc.*, 620 So. 2d 573 (Ala. 1993) (claims by family members of employee not barred by work-comp exclusivity); *Smith v. Marshall County*, 619 So. 2d 1334 (Ala. 1993) (Mem.) (damages cap); *Henderson v. Alabama Power Co.*, 627 So. 2d 878 (Ala. 1993) (punitive-damages cap unconstitutional); *Ex parte Anderson*, 644 So. 2d 961 (Ala. 1994) (Rule 27 pre-suit discovery) (with Brother Hare); *Campbell v. Cutler Hammer, Inc.*, 646 So. 2d 573 (Ala. 1994) (contributory negligence in AEMLD action); *Hampton v. Bruno's, Inc.*, 646 So. 2d 597 (Ala. 1994) (business records exception to hearsay; party producing document in discovery); *Williams v. Alabama Power Co.*, 662 So. 2d 292 (Ala. 1994) (Mem.) (child-trespasser case); *Ex parte Williams*, 686 So. 2d 1110 (Ala. 1996) (arbitration); *General Motors Corp. v. Bell*, 714 So. 2d 268, 271 (Ala. 1996) (charging jury on punitive damages); *Professional Ins. Corp. v. Sutherland*, 700 So. 2d 347 (Ala. 1997) (forum-selection clause); *State Farm Mut. Auto. Ins. Co. v. Scott*, 707 So. 2d 238 (Ala. Civ. App.), cert. denied (Ala. 1997) (UIM coverage after settlement with tortfeasor); *Ex parte Perry*, 744 So. 2d 859 (Ala. 1999) (arbitration); and *Cline v. Ashland, Inc.*, 970 So. 2d 755 (Ala. 2007) (Mem.) (statute of limitations in toxic-exposure case).

Dave Wirtes succeeded Bruce McKee. His long list of amici briefs include the following: *American Legion Post No. 57 v. Leahey*, 681 So. 2d 1337 (Ala. 1996) (collateral-source statute unconstitutional) (with Andy Citrin); *Williamson v. Indianapolis Life Ins. Co.*, 741 So. 2d 1057 (Ala. 1999) (action on "vanishing-premium" policies) (with George Dent and Steve Olen); *Smitherman v. Marshall County Com'n*, 746 So. 2d 1001 (Ala. 1999) (\$100,000 cap not applicable to individuals) (with George Dent); *Ex parte*

*University of South Alabama*, 761 So. 2d 240 (Ala. 1999) (hospital liens) (with Dent); *Marsh v. Green*, 782 So. 2d 223 (Ala. 2000) (affirming constitutionality of collateral-source statute) (with Dent, McKee, and Leila Watson); *Ex parte Cranman*, 792 So. 2d 392 (Ala. 2000) (State-agent immunity) (with Edwin Lamberth and Greg Burge); *Ex parte Rizk*, 791 So. 2d 911 (Ala. 2000) (medical resident not entitled to State-agent immunity) (with Lamberth); *Ex parte C.V.*, 810 So. 2d 700 (Ala. 2001) (termination of parental rights) (with Bob Prince); *Ex parte State, Dept. of Indus. Relations, Second Injury Trust Fund*, 848 So. 2d 251 (Ala. 2002) (dependents' rights to benefits from Second Injury Trust Fund) (with Jay York and Stephen Legg); *In re Eagan*, 852 So. 2d 204 (Ala. 2002) (Table) (defense counsel's ex parte interviews of plaintiff's treating physicians) (with Edwin Lamberth); *Leonard v. Terminix Intern. Co., L.P.*, 854 So. 2d 529 (Ala. 2002) (arbitration clause which precluded class-action treatment of a dispute was unconscionable) (with Barry Ragsdale); *Spain v. Brown & Williamson Tobacco Corp.*, 872 So. 2d 101 (Ala. 2003) (tobacco liability; breach of warranty as separate from AEMLD); *Newman v. Cole*, 872 So. 2d 138 (Ala. 2003) (parental immunity in wrongful death) (with Dent); *Mobile Infirmary Medical Center v. Hodgen*, 884 So. 2d 801 (Ala. 2003) (punitive damages in med-mal case) (with Dent, Lamberth, and Nancy Eady); *Ex parte Williams*, 895 So. 2d 924 (Ala. 2004) (work-comp subrogation in regard to future medicals) (with Dent and Lamberth); *Ex parte Partners in Care, Inc.*, 986 So. 2d 1145 (Ala. 2007) (manufacturer is not a "health care provider") (with Dent); *Henderson v. MeadWestvaco Corp.*, 23 So. 3d 625 (Ala. 2009) (wrongful-death statute of limitations in asbestos-related mesothelioma case); *Ex parte Capstone Bldg. Corp.*, 96 So. 3d 77 (Ala. 2012) (statute of limitations for wantonness) (with Watson); *Health Care Authority for Baptist Health v. Davis*, 158 So. 3d 397 (Ala. 2013) (hospital's immunity or damages cap) (with Dent); *Hosea O. Weaver and Sons, Inc. v. Balch*, 142 So. 3d 479 (Ala. 2013) (construction-contractor liability after acceptance of the work) (with Dent and Watson); *Morrow v. Caldwell*, 153 So. 3d 764 (Ala. 2014) (\$100,000 cap does not

apply to municipal employees) (with Dent, Watson, and McKee); *Yamaha Motor Corp., U.S.A. v. McMahon*, 183 So. 3d 145, 146 (Ala. 2015) (affirmed plaintiff's wantonness judgment without opinion) (with Watson); *Kruse v. Vanderbilt Minerals, LLC*, 189 So. 3d 42 (Ala. 2015) (genuine issue of fact as to whether talc contained asbestos precluded summary judgment) (with Watson); *Ex parte Poff*, 205 So. 3d 708 (Ala. 2014) (Table) (defense counsel's ex parte interviews of plaintiff's treating physicians) (with Lamberth); *Nineteenth St. Investments, Inc. v. Waldrop*, 224 So. 3d 151 (Ala. 2015) (plaintiffs' Dram Shop judgments affirmed without opinion) (with Watson, Eady, and Rhonda Pitts Chambers); and *Hinrichs v. Gen. Motors of Canada, Ltd.*, 222 So. 3d 1114, 1116 (Ala. 2016) (personal jurisdiction) (with Watson, McKee, and Chambers)

Leila H. Watson succeeded Dave Wirtes as chair. Before and after that time, she has appeared as co-counsel on many amici briefs. She has been the sole author of some, including: *Briarcliff Nursing Home, Inc. v. Turcotte*, 894 So. 2d 661 (Ala. 2004) (nursing-home arbitration) [Dave Wirtes and George Finkbohner filed an amicus curiae brief in this case on behalf of the National Association of Consumer Advocates]; *Martin v. Dyas*, 896 So. 2d 436 (Ala. 2004) (med-mal similarly-situated witness); *State Farm Mut. Auto. Ins. Co. v. Motley*, 909 So. 2d 806 (Ala. 2005) (UIM set-off from CGL policy); *Ex parte Dolgencorp, Inc.*, 13 So. 3d 888 (Ala. 2008) (average weekly wage, for work-comp purposes) (with Pat Ballard); *Southland Bank v. A & A Drywall Supply Co., Inc.*, 21 So. 3d 1196 (Ala. 2008) (bank fraud); *Healthcare Authority for Baptist Health v. Davis*, 158 So. 3d 397 (Ala. 2013) (no immunity for authority and \$100,000 cap did not apply); *Bain v. Colbert Cty. Nw. Alabama Health Care Auth.*, 233 So. 3d 945 (Ala. 2017) (hospital's liability for emergency physician under theory of apparent authority); and *Mazda Motor Corp. v. Hurst*, 261 So. 3d 167 (Ala. 2017) (expert's testimony on design defect of fuel system and causation of fire is not "scientific," for *Daubert* purposes); .

Edwin Lamberth, the current chair, has worked on many amici briefs with Dave Wirtes. He also has filed briefs for ATLA himself. See, for example, *Cook's*

*Pest Control, Inc. v. Boykin*, 807 So. 2d 524 (Ala. 2001) (arbitration clause not binding on patient), and *Baptist Health Sys., Inc. v. Cantu*, 264 So. 3d 41 (Ala. 2018) (evidentiary issues in med-mal case). See also, *Grimes v. Alfa Mut. Ins. Co.*, 227 So. 3d 475 (Ala. 2017) (the Mandatory Liability Insurance Act does not require the inclusion in coverage of express and implied permissive users) (with Watson), and *Ex parte Advanced Disposal Servs. S., LLC*, 280 So. 3d 356 (Ala. 2018) (necessary and indispensable parties) (with Wirtes, McKee, and Heninger); *Ex parte Mobile Infirmary Medical Ass'n*, 278 So. 3d 1195

(Ala. 2018) (with Owen, Marsh, Riley, Heninger) . Several of his briefs are currently pending in still-active appeals. They include a brief filed 2/17/2020 in *Ex parte Freudenberger*, Alabama Supreme Court case no. 1190159 (defense counsel's ex parte interviews of plaintiff's treating physicians) (with Wirtes); *Harris v. Ford Motor Co.*, Alabama Supreme Court Case No. 1181069 (personal jurisdiction over automobile manufacturer); *Everheart v. Rucker Place, LLC*, Alabama Supreme Court, Case No. 1190102 (dram shop liability of on-premises licensee caterer).



**Bruce J. McKee** (B.A., Alabama; J.D., Columbia; LL.M., Virginia) has been practicing law with Hare, Wynn, Newell & Newton, LLP, for over 30 years. Within the Hare Wynn firm, Bruce is responsible for

most of the firm's appellate work. At the trial court level, he handles the research and writing of unique or difficult issues, especially on subjects relating to procedure, jurisdiction, and tort law theory. Bruce began his legal career in his hometown of Florence, Alabama, after which he served as the central staff attorney for the Alabama Supreme Court. Bruce has served as a professor of law at the Thomas Goode Jones School of Law of Faulkner University and at the Cumberland School of Law of Samford University, where he later served as the assistant dean.

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**Edwin Lamberth** is a partner with the Gilmore Law Firm. His practice focuses on trucking collisions, defective products, industrial injuries, and environmental/toxic torts. Mr. Lamberth has

obtained numerous multi-million dollar jury verdicts and settlements for his clients, and was part of a team of lawyers whose class actions reformed the automobile lending industry's racially discriminatory practices, resulting in the savings of hundreds of millions of dollars for minority consumers. Along with his trial practice, he has been a Board Member of the Alabama Association for Justice, and has served on its amicus curiae committee for over ten years, and chairman for the last two. He has participated in oral arguments before the Alabama Supreme Court and United States Court of Appeals for the Eleventh Circuit on numerous occasions. He began his career as Justice Champ Lyons, Jr.'s first law clerk, after obtaining his undergraduate degree from the University of Virginia and then his Juris Doctorate from Cumberland School of Law in 1998.