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2008-10-29 H. Thomas Wells, Jr. ABA Presidential Correspondence

H. Thomas Wells Jr.

University of Alabama School of Law

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CORRESPONDENCE LOG

H. Thomas Wells, Jr.

October 29, 2008

Origin	Correspondence	Date	Revd	Status (All suggested dispositions subject to review by TW)	CCs (Informational copies)
AL	Eduardo R. Rodriguez State Bar of Texas Memo – re Gibson Gayle’s 50 th anniversary in the HOD	10/8	10/17	<i>HTW responded on 10/27/08</i>	
AL	Roberta D. Liebenberg, Chair ABA Com’s’n on Women in the Profession Ltr – written to HTW, Eduardo Robert Rodriguez and Judge James A. Wynn, Jr., re the Diversity Summit to be held in June and the Commission serving as liaison to the Summit Planning Committee	10/15	10/24	<i>Forwarded to Cie Armstead for response</i>	
IL	Anita M. Ventrelli, Chair Family Law Section Ltr – unable to contribute to the ABA National Conference on the Employment of Lawyers with Disabilities	10/21	10/24	<i>OP faxed letter to John Parry</i>	
AL	Randall M. Kessler Atlanta, GA Ltr – re his resignation as chair of the StC on Substance Abuse	10/20	10/22	<i>NRN</i>	Valerie Adelson
AL	The Rt Hon Sir Anthony Clarke Master of the Rolls Royal Courts of Justice, London Note – enclosing a copy of the Attorney General’s speech at the Magna Carta dinner	10/21	10/21	<i>NRN - Forwarded to Kash Sullivan 10/21</i>	
IL	Robert J. Lindsey, President/CEO National Council on Alcoholism and Drug Dependence, Inc. Ltr to express appreciation to ABA for support of Parity Now	10/20	10/24	<i>NRN</i>	Lillian Gaskin
IL	Jonathan W. Wolfe Livingston, NJ Ltr – enclosed an article from the New Jersey Law Journal	10/23	10/28	<i>NRN</i>	

CORRESPONDENCE LOG

H. Thomas Wells, Jr.

October 29, 2008

Origin	Correspondence	Date	Rcvd	Status (All suggested dispositions subject to review by TW)	CCs (Informational copies)
IL	John R. Sutton Miami, FL Ltr – re his offer to present a lecture and presentation to explain the newest discoveries on paralysis, optic nerve and eye or nerve injuries	10/22	10/28	<i>Forwarded to John Parry</i>	
Email	Jeffrey A. Trueman, Founder Veterans' Equal Rights Protection Advocacy LLC Ltr – re 2008 ABA-Feres Doctrine Resolution	10/28	10/28	<i>Forwarded to Ken Goldsmith and Lillian Gaskin, GAO, for response</i>	

STATE BAR OF TEXAS

RECEIVED

OCT 17 2008



TO: State Bar of Texas Current and Former ABA delegates

FROM: Eduardo R. Rodriguez, State Delegate

DATE: October 8, 2008

RE: Gibson Gayle's 50th anniversary in the House of Delegates

The Texas Delegation to the ABA House of Delegates will celebrate a momentous occasion at the February 2009 mid-year meeting when our friend and colleague Gibson Gayle will be honored for his 50 years of service in the House.

As a former secretary of the American Bar Association, Gib is a life member of the House of Delegates. His wise counsel, friendship, and dedication to his profession are exemplary. To provide an opportunity for each of us to express our appreciation and friendship to Gib, we will put together a book of letters to be presented to him in Boston.

You are invited to send a letter and to spread the word to those who might have been part of the House of Delegates or known Gib through various American Bar Association activities. Please send your letters care of:

Kelley Jones King
State Bar of Texas
P.O. Box 12487
Austin, TX 78711-2487

The deadline for receipt of letters, photographs, or other memorabilia to be included in this Book of Letters is January 15, 2009. We hope you will join us in commemorating Gib's dedication to the ABA and our profession and congratulate him on his 50 years of service.

RECEIVED

OCT 24 2008



AMERICAN BAR ASSOCIATION

Commission on Women
in the Profession

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Fax: (312) 988-5790

E-mail: abacwp1@abanet.org
Website: www.abanet.org/women-

October 15, 2008

The Honorable James A. Wynn, Jr.
Court of Appeals
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Raleigh, NC 27602-0888

H. Thomas Wells, Jr., Esquire
Maynard Cooper & Gale PC
2400 Regions/Harbert Plaza
1901 6th Avenue N
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Eduardo Robert Rodriguez, Esquire
Rodriguez Colvin Chaney & Saenz LLP
1201 E. Van Buren 78520
P.O. Box 2155
Brownsville, TX 78522-2155

Re: The Business Case for Diversity in the Legal Profession

Dear Tommy, Judge Wynn and Eduardo:

As Chair of the Commission on Women in the Profession, I am writing with respect to the Diversity Summit that is to be held in June. Ensuring equality in the profession is very important, and we are confident that the Summit will demonstrate to law firms and corporations that they can achieve significant and tangible benefits by promoting diversity.

Given that our mission is devoted to eliminating the barriers that confront women in the profession, we believe that the Commission can and should play a part in the Summit, including the planning process. Indeed, one of our important on-going projects is the Women of Color Research Initiative, which is focusing on the issues confronting women lawyers of color. Within the past two years, we have issued two groundbreaking reports summarizing our research concerning women of color in law firms: *Visible Invisibility: Women of Color in Law Firms* and *Visible Invisibility to Visibly Successful: Success Strategies for Law Firms and Women of Color in Law Firms*. We are now embarking on a similar study that focuses on the issues confronting women lawyers of color in corporate and government settings.

In addition, the Commission recently published the second edition of its widely-acclaimed manual for conducting bias-free evaluations: *Fair Measure: Toward Effective Attorney Evaluations*. It is critical to the retention, advancement and equality of treatment of women and minority attorneys that evaluations of their performance be free of stereotyping and bias.

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Page 2
October 15, 2008

The Commission has played an important role in prior Diversity Summits. Given our familiarity with the issues to be addressed in the Summit, we believe that the Commission can make a significant contribution. Former Commission Chair, Pamela Roberts, Justice Patricia Timmons-Goodson and I, along with Commission staff, would be willing to serve as liaisons to the Summit Planning Committee.

We look forward to hearing from you.

Sincerely,

Roberta D. Liebenberg

RDL/eb

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October 21, 2008

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OF COUNSEL
HAROLD G. FIELD
MICHAEL R. GALASSO
DIRECT DIAL NUMBER

312-609-5509

H. Thomas Wells, Jr.
President
American Bar Association
321 N. Clark Street
Chicago, Illinois 60610

Alex J. Hurder, Chair
Commission on Mental and Physical
Disability Law

Dear Gentlemen:

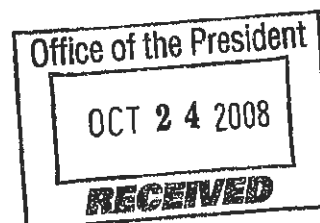
This letter is written in response to your letter to me in my capacity as Chair of the Family Law Section dated September 24, 2008, to solicit donations for the ABA National Conference on the Employment of Lawyers with Disabilities. Unfortunately, the request is not one for which we budgeted, and our current budget cannot accommodate the request. We wish you the best of luck with this endeavor.

Very truly yours,

SCHILLER, DUCANTO AND FLECK

ANITA M. VENTRELLI

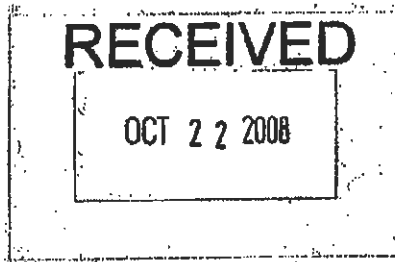
AMV/lmg





October 20, 2008

H. Thomas Wells, Jr., Esq.
1901 Sixth Avenue North
2400 Regions/Harbert Plaza
Birmingham, AL 35203



Re: Chairperson position

Dear President Wells,

I have been deeply honored to serve as Chairperson of the Standing Committee on Substance Abuse for the past year and it is with sincere regret that I submit this letter of resignation. The work of this Committee is vital and serves a crucial need not only for the Bar, but more importantly, for America and the world. However, I have at times felt that my experience and background have been inadequate and that the committee and its purpose could be better served with and by a new Chairperson. Perhaps even more importantly, my initial and continued involvement with the ABA and my true passion has been and will always be with and for the Family Law Section (which is actually how I became involved with the SCSA, as a liaison from the Family Law Section). Now that I have become Secretary of the Family Law Section, it is even more important to me that I make the Family Law Section my number one priority. I have already missed important events for the Family Law Section while handling SCSA events and vice versa and I want to eliminate that conflict.

My heart is and always will be in the Family Law Section (although a part of it is now with the SCSA and always will be) and I want to be overly available to handle anything the Family Law Section needs from me. I already feel like I am off to an ambitious start as Secretary and want to continue on that path strongly. I do not see myself saying no to anything and I believe there will only be an increased need for my time and energy and I want to be available for the Family Law Section.

I have thought about this long and hard and have consulted with many folks who have much more experience in the ABA and in life. I appreciate their assistance as this has been a very difficult personal decision for me. I do not like to disappoint. I do this for the sake of the Committee and for the enhancement and improvement of the work of the Committee. While it has indeed been my honor to serve as Chair, I am confident there are others who are qualified to lead the SCSA and who will be able to devote the time it deserves and requires.

I appreciate so much the assistance and support the staff, other members of the Committee, the liaisons and the advisory council have given me and I am sorry if I have not lived up to expectations. All the people I have worked with, previously as a liaison to the Committee and all the way to my becoming Chair of the Committee have been wonderful, highly motivated

Letter, H. Thomas Wells, Jr., Esq.
October 20, 2008
Page Two (2)

and a pleasure to work with. The advice and assistance from those who have so much more experience than me including the Honorable David Brink, John Clark, Ed Jurith, Bob Fiebach (and many others) together with ABA staff members Valerie Adelson and Bob Lang, has made my job a pleasure. However, I really believe in my heart that for me to continue as Chair would be a disservice to the members of the Committee, the American Bar Association and to the public who desperately need and deserve fine leadership in this area.

I would be happy to contribute as the leadership sees fit in the future. It does not feel right in the pit of my stomach to continue leading when I know my heart is closer to the Family Law Section. As is the case with all of us, there are only so many hours in a day and I want and plan to devote as much attention as possible to the Family Law Section.

I wish to again thank you for appointing me as well as Valerie Adelson, Bob Lang and the members of the Committee, Liaisons and Advisory Committee who have been wonderfully supportive.

Please also forgive me if my timing is poor. If the timing is awkward or inconvenient, I would be happy to remain as Chair for as long as it takes to locate someone suitable to succeed me. I would also gladly remain on the Committee in any capacity if requested and will always be supportive in any way I can. I am happy to discuss any of this with you or anyone you wish to have contact me and I look forward to hearing what the next steps should be.

Sincerely,



Randall M. Kessler
rkessler@kssfamilylaw.com
Direct Dial: 404.688.0099

RMK/nbm
cc: Ira Pilchen, Esq.

RECEIVED

OCT 21 2008



MASTER OF
THE ROLLS

THE RT HON SIR ANTHONY CLARKE

16 October

Dear Tommy,

With apologies for the delay, I enclose a copy of the Attorney General's speech at the Magna Carta dinner. Any publicity you can give a Magna Carta would be great, especially as it will soon be the 800th anniversary in 2015.

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October 20, 2008

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321 North Clark Street
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Dear Tom,

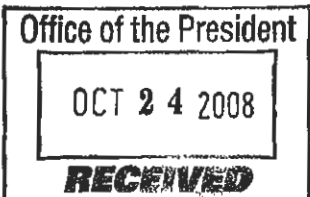
I have been traveling a great deal over the past couple of weeks and I just had the opportunity to read your October letter to **Parity Now Coalition Members**.

Although your letter was not personalized to me, I wanted to take this opportunity to drop you a note to express our sincere appreciation to you and the ABA for your support of Parity. Without question, this legislation is one of the most important pieces of legislation that has passed at the federal level in decades! And, with the support of the ABA we were able to greatly expand the opportunity for treatment for those who suffer from alcoholism, addiction and mental health issues.

However, I also know that this bill is not "the answer", but a critical step. I hope we can rely on the support of the ABA as we continue to address this critically important issue - access to treatment.

Sincerely,

Robert J. Lindsey, M.Ed., CEAP
President/CEO



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October 23, 2008

Jonathan W. Wolfe
jwolfe@skoloffwolfe.com

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Birmingham, AL 35203

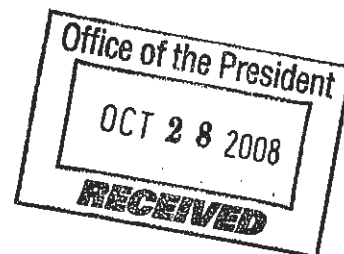
Re: New Jersey Law Journal

Dear Tommy:

I thought you would enjoy the enclosed article. Keep up the great work! I look forward to being with you next week.

Very truly yours,


Jonathan W. Wolfe



McNulty Memorandum:

Putting the nail in the coffin

By Harvey C. Fisher

After nearly six years of virtually going ballistic over the Justice Department's bullying-based attack on the attorney-client privilege — and finally getting the feds to back off — the nation's lawyers now are determined to see it never happens again.

And that means taking the decision-making out of the hands of the Justice Department's movers and shakers, so that any effort to reinstate the so-called Thompson or McNulty memorandums as hammers against corporate wrongdoing won't rest on the whims of overzealous prosecutors.

Essentially, there's an all-out effort to get the U.S. Senate to pass a law barring threats — the potential of indictments — against businesses unless they agree to reveal what they know from lawyer-client contacts and accept other coercive measures that dance around fundamental constitutional protections. Businesses that go along qualify for "cooperation credit" from the feds for favorable treatment.

While no one is saying so bluntly, the move to get a law on the books carries a message: The Justice Department is not to be trusted, even though it recently backed off the Thompson and McNulty memorandums, both of which were authored by deputy attorneys general and gave federal prosecutors enormous leverage in pressuring corporate lawyers and executives to waive lawyer-client confidential relationships, work product protections and not help any of their employees under investigation, including providing legal assistance for such workers.

Leading the charge for Senate action is American Bar Association President H. Thomas Wells Jr. He says the latest and more liberal guidelines issued recently by the Justice Department are welcome but far short of what's needed.

"Unlike legislation, guidelines can provide no certainty that critical attorney-client privilege, work product and employee constitutional



H. Thomas Wells Jr.

CONTINUED ON PAGE 35

A nail in the McNulty coffin?

CONTINUED FROM PAGE 1

rights will be protected in the future," Wells maintains. "These bedrock legal rights are sacrosanct and must not be dependent on the personal leanings of each new deputy attorney general."

A vote in the Senate on S. 3217 sometime before the 110th Congress ends in January is crucial since similar legislation, H.R. 3013, already cleared the House of Representatives with bipartisan support.

First advanced in 2003 with the Thompson memorandum and followed by the somewhat milder McNulty standards in 2006, the policies encompassed a strategy designed to attack corporate crime such as those that triggered Enron and WorldCom.

The pending congressional legislation also would apply to other federal agencies that effectively have embraced the Justice Department's McNulty strong-arm concepts. That includes the Securities and Exchange Commission, the Department of Housing and Urban Development and the Environmental Protection Agency, among others.

Wells and other officials see what's emerged as exemplifying a "culture of waiver" that's "seriously undermining both the confidential attorney-client

relationship and basic employee rights in the corporate community."

As the ABA president put it, "It's time for the Senate to do its part to guarantee Americans' core legal rights" by quickly taking up and passing S. 3217, sponsored by U.S. Sen. Arlen Specter (R-Pa.).

In the past 10 years, the Justice Department has rolled out five different policies on the issue.

Carrot and stick

Among others supporting legislation to keep the Justice Department from using its carrot-and-stick approach in pressuring corporations to play ball are the American Civil Liberties Union, the U.S. Chamber of Commerce and the National Association of Defense Lawyers.

In its simplest form, the legislation prohibits federal prosecutors and agents from demanding a waiver of the privilege or using a waiver as a basis for determining whether a defendant has been cooperative and deserving of special treatment.

Clearly, corporations have folded to such demands, since the threat of an indictment could thrust a business into final ruin.

Just a couple weeks ago, the 2nd U.S. Circuit Court of Appeals in New York upheld the dismissal in 2007 by U.S.

District Judge Lewis Kaplan of indictments against employees of the KPMG accounting firm because, as Kaplan, ruled, the Justice Department pressured the firm to stop advancing legal defense fees to the targeted workers.

Kaplan had noted that to avoid indictment of the company, KPMG had refused to pay the employees' legal defense fees "because the government had the proverbial gun to its head."

The 2nd Circuit agreed that in limiting the advancement of fees to its employees, the firm was effectively acting at the behest of the justice department.

The opportunity of gaining a "cooperation credit" from the feds became

especially persuasive for some corporations after they saw what happened to the Arthur Andersen accounting firm, which the Justice Department prosecuted on Enron-related charges. As a result, the Arthur Andersen went out of business even though its conviction subsequently was overturned.

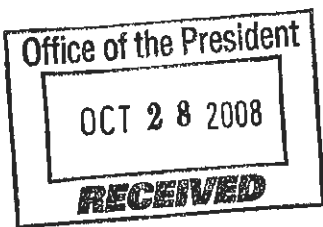
Among those filing briefs against the Justice Department in the KPMG case was the Washington Legal Foundation.

"This is a tremendous victory for employees and businesses who have been unfairly prosecuted by the Justice Department and forced to waive their constitutional rights," said Paul Kamenar, the foundation's senior executive counsel.

Comments about this story may be sent to harvey.fisher@njlnews.com.



Gregory T. Alvarez of Jackson Lewis was the featured speaker at a recent meeting of background and practical application of the New Jersey Paid Family Leave Act. Panelists were, from left, Michael Harrison of Lindabury McCormick Estabrook & Cooper, Sara Diaz of Chasan Leyner & Lamparello, Alvarez, Madeline Carrion of Farer Fersko, accountant Andrew M. Chavkin and Kenneth Bailey of Fishman McIntyre.



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October 22, 2008

American Bar Association
H. Thomas Wells, Jr.
President
321 N. Clark Street
Chicago, IL 60654-7598

Dear Mr. Wells:

On August 22, 2004 my wife Susan was murdered and I was shot in the head losing my eyesight. My eyesight loss was from dramatic blood loss and apparent trauma.

Since this incident I have returned to trial practice full time and successfully tried cases to Verdict. However, I have been on a quest for restoration of vision to those who suffer from retinosa pigmentosa or devascularization of optic nerve such as I sustained.

In my quest I was evaluated at Bascom Palmer Eye institute in Miami, USC Doheny Eye Institute, University of Iowa's Singh Hayreh, M.D. who specializes in devascularization of optic nerve, Johns Hopkins Wilmer Eye Institute and finally at Mass Eye & Ear in Boston in conjunction with Schapens Eye Institute, as an affiliate of Harvard Medical School.

I have tried and handled quadriplegia, paraplegia, and eye loss cases, only to suffer total blindness myself from gunshot. In my quest to help others I have identified Dong Feng Chen, M.D., Ph.D., Michael S. Young, M.D., and Kameron Lashkari M.D. with Harvard's Medical School and Schapens Eye Research institute.

Dong Feng Chen, M.D. received the Scientist of Year award by Vision Awards. She and others have found much success with regeneration and are on the verge of an announcement regarding their procedures and success. This may be of great importance to trial attorneys who want the best for their clients and who wish to pursue medical remedies and evaluate the expense for such procedures.

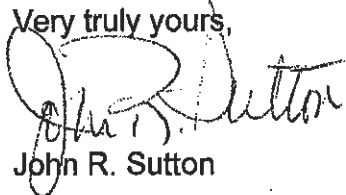
As a member of Florida Justice Association, I am in a position to offer a lecture and presentation relating not only my injury, and similar injuries, but to also present one of the Harvard faculty members to explain the newest discoveries. This impacts on paralysis,

optic nerve and eye or nerve injuries.

The solutions are not here yet. However, the solutions are imminent and attorneys should be aware of the opportunity to assist either their elderly clients with retinosa pigmentosa or optic nerve neuropathy.

I hope this presentation is of interest. If that is the case I have a DVD and film which would be only part of the presentation as a live presentation would feature the most recent progress.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John R. Sutton". The signature is written in dark ink and is positioned above the printed name.

John R. Sutton

JRS:dvt

Veterans' Equal Rights Protection Advocacy LLC

VERPA - 70

P.O. Box 733 * Perry, GA 31069

2009 - Duluth, Minnesota * LLC. Aug 2006 - Atlanta, Georgia

"Veterans & Families For Equal Justice Under The Feres Doctrine"

Email: verpafounder@verpapublishing.us

Web Site: www.verpapublishing.us

October 28, 2008

American Bar Association (ABA)
740 15th Street, N.W.
Washington, DC 20005-1019
Attn: President Wells & President-Elect Lamm

RE: August 2008 ABA-Feres Doctrine Resolution

Dear President Wells & President-Elect Lamm:

Congratulations to both of you with your selections as President and President-Elect of the American Bar Association (ABA).

Introduction

I can appreciate the fact that you are both extremely busy attorneys and I will attempt to raise our Non-Government Organization (NGO), members and supporters' concerns with the recent passage of the ABA-Resolution adopted at the 2008 Annual Meeting in New York surrounding the Feres doctrine subject matter.

As you can imply from our NGO-web site www.verpapublishing.us, we as a collective body of U.S. Military, Veterans and loved ones from across the nation who have suffered injury or injustice as Feres doctrine victims and as survivors; we have worked extremely hard with our own-money to advance fair and equitable reforms of the doctrine to establish a workable balance of preserving "good order and discipline" in our military in the name of national defense and preservation of individual servicemembers or their loved ones' constitutional due process and equal protection rights, that are already in an inferior position under the Feres doctrine's exemption to the Federal Tort Claims Act (FTCA) of 1946.

The Feres-Abomination & The ABA-Resolution/Report Nexus

Getting to the point, shortly before the ABA Conference of 2008, I received notice from a private Citizen that a Resolution was being proposed to address Feres

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related "torts." Although, we are pleased to see the ABA taking a national stand surrounding the almost 58-year *Feres-Abomination* that was born on December 4, 1950, we raised our concerns that the nexus with the *Resolution-Report* and the *Cox Commission* recommendations to the U.S. Congress and Department of Defense (DoD); as cited by Attorney Chapman of the Washington D.C. Bar in her Report, was silent on VERPA's efforts before the Commission. Thus, on or about August 31, 2008, we contacted Attorney Chapman who produced the "Report" and requested our organization be recognized as the driving force in compelling the Cox Commission to make the *Feres* doctrine an "agenda item." My initial communication resulted in no reply from Attorney Chapman and VERPA's President, Ms. Leigh E. Wise (USAF (Ret.)) and her inquiry to Attorney Chapman was also dismissed without any type or response to our legal concerns.

Conclusion

In the interest of fairness and full-disclosure, would it be possible for the ABA (and all our lawyer supporters) in the nation to be informed by a statement on the ABA-Web Site or through your Magazine, a brief notice that recognizes "VERPA" efforts to make the *Feres* issue an "agenda item" at the Commission on behalf of our "pro se" members?

In sum, it is our future goal to obtain a Congressional Charter wherein we will continue to advance justice for our members, with the help of attorneys at law who practice military related constitutional and tort type claims; as we believe Congress holds the "ready remedy" to act upon the ABA-Resolution in the best interest of our nation as a whole.

Best wishes


Jeffrey A. Lueman
Founder, VERPA LLC

cc: VERPA Members & Supporters