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H. Thomas Wells Jr.

University of Alabama School of Law

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CORRESPONDENCE LOG

H. Thomas Wells, Jr.

January 16, 2009

Origin	Correspondence	Date	Revd	Status (All suggested dispositions subject to review by TW)	CCs (Informational copies)
IL	Wendy Cole Lascher, American Academy of Appellate Lawyers Ltr enclosing Brief: <i>Caperton v. A.T. Massey Coal Company et al</i> , USSC No. 08-22	01/09	01/16	<i>Acknowledgement sent. Forwarded to Pat Larson, General Counsels Office</i>	
IL	James E. Fischer Law Offices of James E. Fischer LLC Complaint ltr re: Free Trial Membership for an ABA publication	01/07	01/14	<i>Forwarded to Membership/ Marketing Dept. for response</i>	
IL	Robert A. Zupkus Chair, General Practice, Solo and Small Firm Division Ltr re: ABA Commission on Mental and Physical Disability Law National Conference. Unable to make financial contribution to Conference.	01/08	01/13	<i>NRN – forwarded to Staff Director, Mental and Physical Disability Law</i>	
IL	D. Scott Hemingway Hemingway & Hansen Ltr enclosing <i>Petition for Writ of Certiorari</i> regarding <i>Howard v. Sony BMG Music Entertainment et al</i> .	01/07	01/13	<i>Forward to Pat Larson, General Counsels Office</i>	

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January 9, 2009

H. Thomas Wells, Jr., President
American Bar Association
321 North Clark Street
Chicago, Illinois 60654

Re: *Caperton v. A.T. Massey Coal Company et al.*, USSC No. 08-22

Dear Mr. Wells:

Enclosed is the Brief of the American Academy of Appellate Lawyers, Amicus Curiae, Supporting Petitioners in the above matter. I wanted to make sure you received a hard copy.

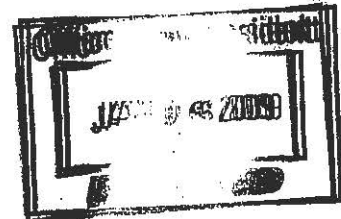
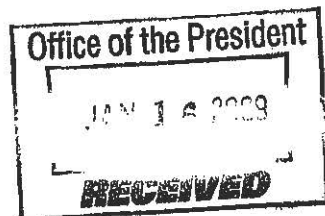
Very truly yours,



WENDY COLE LASCHER

WCL:ns

Enclosure



LAW OFFICE OF JAMES E. FISCHER LLC

230 South Bemiston Avenue, Suite 640

Saint Louis, Missouri 63105

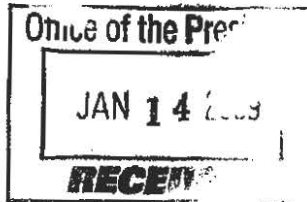
Ph.(314) 862-1003

Fax (314) 727-2882

Certified Mail

January 7, 2008

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



In Re: "Free" "Trial" "Membership"

Dear Mr. Wells,

Telemarketers, used car salesmen, and lawyers already have a bad reputation, and the ABA Marketing Department has done nothing to remedy that situation.

Recently a telemarketer claiming to represent the American Bar Association **phoned** my office. After some sales efforts by the telemarketer, I agreed to examine the ABA publications for a short (thirt days) period of time. The offer was couched in terms of a "free" "trial" "membership". I tried it, and I was not impressed. I did not find the proffered materials particularly interesting or helpful to me in my practice. **Before the end of the thirty days**, I **telephoned** and terminated the "trial" "membership", stating that I did not wish to receive the materials after the "trial" period. **By telephone**, the representative told me that the matter would be taken care of.

Having terminated the matter by **telephone**, I did not pay the invoice which had been so promptly mailed to my office, because I did not wish to have any membership affiliation with the American Bar Association at that time.

Now I am being dunned for payment regarding publications which I do not choose to receive, and which I never agreed to pay for. Further, I am now being told that I needed to submit a **signed writing** in order to avoid having the "free" "trial" "membership" extended beyond the "free" thirty-day period. It seems to me that there is nothing to "cancel", because I never agreed to anything other than the "free" "trial". I strongly object to being dunned for payment.

I find it extremely presumptuous of the ABA Marketing Department to turn a "free" "trial" into a financial obligation in the amount of \$414.00, without my agreement and without my consent.

I ask that you examine the ABA's marketing practices, membership practices, and billing practices. And certainly, I ask that you immediately terminate any activity by the ABA billing department against me or my firm. Thank you for your prompt attention to this matter.

Sincerely,

Handwritten signature of James E. Fischer, P.C.

James E. Fischer
Attorney at Law
Enclosure

::pab

ce

Current Membership Summary

Name	JAMES E FISH
Member Number	016151
Membership Period	9/1/08 - 8/31/
Payment Due Date	December 12, 20
Order Number	25028285

Current ABA Base Dues **\$399.0**

Current Section Memberships
(ABA Sections, Divisions, and Forums)

You are not currently enrolled in any section memberships.

Sign up today.

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Fund for Justice & Education (FJE) optional* **\$15.00**

Total Due (no changes) **\$414.00***

*See page 2 for FJE, tax, cancellation, and discount information. If you do not wish to contribute to FJE, and have no other changes, simply check "No Changes" and deduct FJE amount from Total Due on remittance panel below. If you have paid within the past 6 weeks, please disregard this invoice. Thank You.

AMERICAN BAR ASSOCIATION
PO BOX 4745
CAROL STREAM IL 60197-4745

Remittance panel.
21,

nyaba or

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PLEASE
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HERE

NOT A MEMBER!

Return bottom portion with your payment in the enclosed envelope.

Member Invoice

Payment Due: December 12, 2008

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JAMES E FISHER 009137
JAMES E FISHER LAW OFFICE
230 S BEMISTON AVE STE 640
SAINT LOUIS, MO 63105-1907

No Changes? Simply check box and return this panel.

Total Due (no changes) **\$414.00***

Changes? Check box, complete Section Enrollment Form attached and return with this remittance panel.

Total Due (from page 3)

Payment Method: Check enclosed or Charge my credit card:
Visa MasterCard American Express

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New address?
Check the box and record it on the reverse side.

Return in the enclosed envelope or mail to:
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PO Box 4745
Carol Stream, IL 60197-4745
Order #: 2502828596
01615176 04-17 EMM8ML14

101615176 2502828596 48 0041400 00399005

AMERICAN BAR ASSOCIATION

**General Practice, Solo and
Small Firm Division**

321 N. Clark Street
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(312) 988-5648

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E-mail: genpractice@abanet.org

<http://www.abanet.org/genpractice>

January 8, 2009

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

Dear Tommie:

This is in response to your letter of September 9, 2008. I thought I had previously responded, but no record exists of same. So I write this message.

The GP Solo and Small Firm Division is a solid supporter of the ABA Commission on Mental and Physical Disability law and its National Conference. In 2006, GP made a \$6,000.00 contribution to the Conference. Economic reality for GP is that it cannot make any financial contribution for 2009. We sincerely wish it could be otherwise.

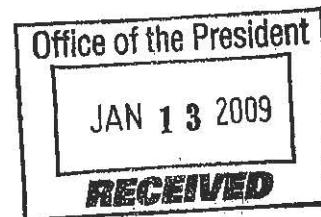
If there are any non-financial ways in which GP may assist in the success of the Conference, please let me know. Again we wish the best of success for the Conference. Thank you.

Sincerely,



Robert A. Zupkus

Cc: Katherine H. O'Neil (via mail)
Scott La Barre (via mail)
Alan Rachlin (via mail)
Randi Whitehead (via mail)
Kimberly Anderson (via mail)
Alex Hurder (via mail)
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Inclusivity of People & Ideas

GP|Solo
ABA General Practice, Solo & Small Firm Division

2008-2009

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H. Thomas Wells, Jr.
President

AMERICAN BAR ASSOCIATION

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September 09, 2008

Mr. Robert A. Zupkus, Chair
ABA General Practice, Solo, and
Small Firm Division
Zupkus & Angell, PC
555 E 8th Ave, McCourt Mansion
Denver, CO 80203-3715

Dear Mr. Zupkus:

We are writing to ask the General Practice, Solo, and Small Firm Division to be a donor to and participant in the Second American Bar Association National Conference on the Employment of Lawyers with Disabilities, June 15-16, 2009, in Washington, D.C. The Conference will be co-sponsored by the ABA Commission on Mental and Physical Disability Law, the ABA Office of the President, and the Association of Corporate Counsel. Your division, which was included in the Commission's 2008 Goal IX Report Honor Roll, has been an important participant in activities promoting lawyers with disabilities in the Association, including being a donor to the first Conference. Scott LaBarre, the former Commission Chair and member of your Council, will be a featured speaker. Also, Commission members, Randi Whitehead and Alan Rachlin, are active in your division and will participate in the Conference.

Our Second Conference will have two major themes. The first will be to promote the diversity pledge of the Association of Corporate Counsel, entitled *Diversity In the Workplace — A Statement of Principle*. We hope to use the Conference to obtain commitments from law firms, corporations, and other legal employers to sign the diversity pledge, if they have not already done so, and to specifically include hiring and providing opportunities for lawyers with disabilities in each employer's implementation of their pledge.

The second theme is to provide, through a series of panel programs, practical information to (1) legal employers about hiring and providing accommodations to lawyers with disabilities, and (2) lawyers with disabilities about what they must do to put themselves in the best position to be hired. Each program will emphasize best practices and model programs. In addition, we plan to have two keynote speeches, one by an inspiring corporate or political leader at the reception to kick-off the Conference, and the other by a distinguished judge at the luncheon the next day.

We are asking for donations of \$3,000, \$5,000, and \$10,000 from ABA entities, or whatever you are able to contribute. Your donation will be recognized in the Conference promotional materials, website link, the Conference itself, and the Conference report. Also, we plan to use the money we raise, in part, to ensure that law students and recent law graduates with disabilities receive scholarships to attend the Conference.

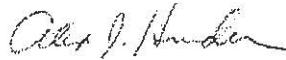
If you have any questions or you need more information about this Conference or ways in which you can participate, please contact Commission Director John Parry at (202) 662-1574 or parryj@staff.abanet.org. Also, you can access the Conference's webpage at: <http://abanet.org/disability/conference/09conference.shtml>.

Thank you in advance for your time and consideration and for your commitment to diversity and inclusion in the legal profession.

Sincerely,



H. Thomas Wells, Jr.
President
American Bar Association



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

CC: Katherine H. O'Neil
Scott LaBarre
Alan Rachlin
Randi Whitehead
Kimberly Anderson

Hemingway & Hansen

A Limited Liability Partnership

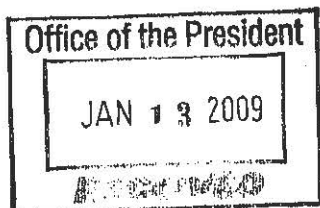
D. Scott Hemingway
Eugenia S. Hansen

Facsimile: (214) 739-5209
Writer's Direct Phone
(214) 292-8301

Comerica Bank Tower • Suite 2500
1717 Main Street
Dallas, TX 75201

Intellectual Property Law
Patents • Copyrights • Trademarks
Litigation • Prosecution • Licensing

January 7, 2009



Via First Class Mail

Karen J. Mathis
American Bar Association
321 North Clark Street
Chicago, IL 60610

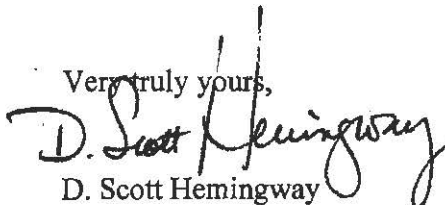
Re: *Howard v. Sony BMG Music Entertainment et al.*
District Court Case No.4:06-cv-03133
Fifth Circuit Case No. 07-20722

Dear Counsel:

From our review of the Supreme Court docket, we noticed that you filed an *Amicus Curiae* brief on behalf of the American Bar Association in a matter pending before the Supreme Court of the United States. We recently filed a *Petition for Writ of Certiorari* (brief enclosed) in the above-entitled litigation, which is an appeal related to copyright infringement claims and statute of limitations issues that may be relevant to your client's interests.

After reviewing our brief, please consider whether any of your association members may have an interest in filing an *Amicus Curiae* brief in our case. I would be happy to discuss this issue with you further. If you have any questions or comments, please do not hesitate to contact us.

Very truly yours,


D. Scott Hemingway

Enclosure