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2009

2009-03-27 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.

March 27, 2009

Origin	Correspondence	Date	Recvd	Status (All suggested dispositions subject to review by TW)	CCs (Informational copies)
AL	Richard H. Middleton, Jr. The Middleton Firm, LLC Savannah, GA Ltr – thank you for participating in the American Civil Trial Bar Roundtable	3/18	3/20	NRN	
AL	Stephen J. Harper Institute of Continuing Legal Education in Georgia Athens, GA Ltr – thank you for speaking at the seminar, <i>20 Years of Professionalism: Raising the Bar on Lawyer Conduct</i>	3/17	3/20	NRN	
AL	Bob Privo Note – thank you for speaking out about election system for judges	3/19	3/20	NRN	
AL	Thomas N. Carruthers Bradley Arant Boult Cummings LLP Birmingham, AL Ltr – TW speech at Rotary advocating merit selection very well done	3/19	3/20	NRN	
IL	Kevin J. Dunne Sedgwick Detert Moran & Arnold LLP San Francisco, CA Ltr – in opposition to TW 12/29/08 letter supporting HR 6381 (Medical Device Safety Act)	3/16	3/24	OP sent standard response from TW	
IL	R. Dennis Bevans Author of book, <i>Fast Track Bureaucrat</i> Ltr – enclosed book, <i>Fast Track Bureaucrat</i> – calling attention to Chapter 19, page 363	- -	3/24	Book sent to TW	
IL	Ziad T. Aziz Amman, Jordan Ltr – requesting help from ABA re: the imprisonment of Tariq Aziz	3/20	3/26	Forwarded to Michael Pates	

THE MIDDLETON FIRM, L.L.C.

TRIAL LAWYERS

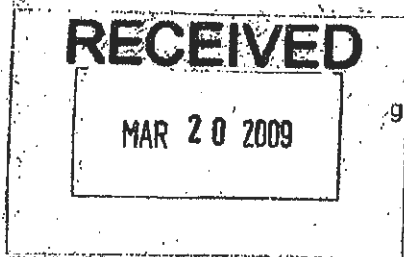
Richard H. Middleton, Jr.
W. Andrew Bowen**
Stephen A. Sael
Andrew L. Gorman

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March 18, 2009

H. Thomas Wells, Jr.
Maynard Cooper & Gale PC
1901 Sixth Avenue North
2400 Regions/Harbert Plaza
Birmingham, Alabama 35023

Re: **American Civil Trial Bar Roundtable**

Dear Tommy:

On behalf of the American Civil Trial Bar Roundtable I want to thank you for your enthusiastic participation in and contributions to the Roundtable last weekend. It was the largest gathering and the largest number of acting presidents we have ever enjoyed and that alone helped contribute to the dynamic discussions that we experience.

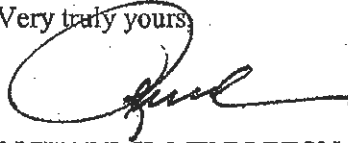
We already have three major topics for discussions at the September Roundtable meeting, including the hold over discussion of minority and other Bar Associations and their potential participation in the Roundtable. I hope that the **returnees** will review those relevant materials in the handout from the recent meeting and be prepared to offer your thoughts at the September Roundtable meeting.

In addition John Holcomb, ABOTA's President, has already solicited one individual to oversee the discussion that was led by Lew Weisbrod of AAJ concerning a joint effort of all the associations to increase and improve the perception of the Trial Bar within the law school community. We will be forwarding you further information on that issue in the hope that each of you will determine the proper representative from your association to join in that effort.

Again, thank you for your unwavering commitment to the Roundtable and the preservation of the civil trial system.

Best personal regards.

Very truly yours

A handwritten signature in black ink, appearing to read "Richard H. Middleton, Jr.", written in a cursive style.

RICHARD H. MIDDLETON, JR.

RHMjr/amb

cc: Richard T. Boyette, ACTBR Co-Facilitator



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MAR 20 2009

March 17, 2009

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MAR 20 2009

Mr. H. Thomas Wells, Jr.
Maynard, Cooper & Gale, P.C.
1901 Sixth Avenue North
2400 Regions/Harbert Plaza
Birmingham, AL 35203

Re: 20 Years of Professionalism: Raising the Bar on Lawyer Conduct, March 10, 2009, State Bar of Georgia, Atlanta

Dear Mr. Wells:

Thank you for your outstanding support of this program. It was very successful. I know that you made a huge investment of time and labor to prepare for and speak at the seminar. Your efforts are appreciated greatly.

You should be proud of your commitment to Continuing Legal Education in Georgia. Without your efforts and those of the many superb attorneys, judges and other professionals who act as speakers for our many programs, I.C.L.E. could not offer such a broad spectrum of affordable, high-quality seminars and institutes at locations throughout the state and region.

All of us at I.C.L.E. are privileged to work with the finest professionals who serve our legal community. You are counted in that number. Sharing your knowledge with others is, in my opinion, the best way to give to the profession.

Thank you again. I look forward to working with you on another program in the future.

Sincerely,

Stephen J. Harper
Director of Programs

cc: John T. Marshall, Esq., Chair

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MAR 20 2009

INSIDER

ABA president: End judicial elections

Birmingham lawyer and American Bar Association President Tommy Wells blasted judicial elections Wednesday, saying they amount to little more than attempts at influence peddling.

Wells, a partner at Maynard Cooper & Gale, said free-for-all Alabama judicial elections should be abolished and replaced with publicly funded nonpartisan races or appointment via a governor's executive panel.

Wells told the Downtown Rotary Club the November election for the vacant Alabama Supreme Court seat cost \$5 million in all.

"It was the most expensive supreme court election in the country," Wells said. "The amount of money that was spent was obscene, and amounted to more than is spent in the whole state for legal services for the poor."

Wells took office in August and said leading the 410,000 members of the bar requires a lot of travel. He said he has been on the road 47 of the 77 days so far this year.

Russell Hubbard

Tommy,

March 19, '09

Thank you for speaking out about the absolutely sinful way we elect our judges. Even though I give money, that does not mean that I think the system is fair, sound or respected. It is neither.

By using your office and title, maybe the seeds of change can sprout and grow until enough people say "Enough!"
Respectfully as always, Bob Grinn

RECEIVED

MAR 20 2009

BRADLEY ARANT
BOULT CUMMINGS
LLP

March 19, 2009

One Federal Place
1819 Fifth Avenue North
Birmingham, Alabama 35203-2119

H. Thomas Wells, Jr., Esq.
Maynard Cooper & Gale, P.C.
2400 Regions/Harbert Plaza
1901 Sixth Avenue North
Birmingham, AL 35203-2618

Thomas N. Carruthers
Direct: (205) 521-8263
Fax: (205) 488-6263
tcarruthers@babc.com

Dear Tommy:

Your talk at Rotary yesterday advocating merit selection was one of the best speeches on this subject that I have heard. It was very well done.

I have heard a good many of these speeches, because I am a member of the Alabama State Bar committee trying to get merit selection in Alabama. As you know, we have thus far failed to get much movement from the Legislature or the Governor.

With good wishes, I am

Sincerely yours,



Thomas N. Carruthers

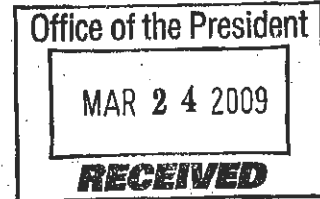
TNC/mc

cc: The Hon. J. Gorman Houston, Jr.
William N. Clark, Esq.

Sedgwick
DETERT, MORAN & ARNOLD LLP

March 16, 2009

H. Thomas Wells, Jr.
President
AMERICAN BAR ASSOCIATION
321 North Clark Street
Chicago, Illinois 60654



Dear Mr. Wells:

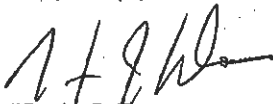
This letter is in opposition to yours dated December 29, 2008, supporting H.R. 6381. I am dismayed that you are leading the ABA down a path of political partisanship. This Bill is supported by Democrats, liberals and "trial lawyers."

In the name of "state's rights," this Bill will cause drugs and devices to take longer to get to market, cost more, and create chaos, as jurors from different jurisdictions compose different warnings for the same drug.

You say that you are speaking for 400,000 members of the ABA – how do you know? You never took a vote. Relying on a 1995 vague and ambiguous policy is disingenous. Many of today's ABA members were not members in 1995. Even if you had taken a vote, and the vote favored your letter, this is a partisan, political stance the ABA should not be taking. Most lay persons, and many lawyers, will view this as just another effort on the part of lawyers to create more litigation and more trials. The ABA will rightly been seen as pandering to its more mercenary members and the integrity of the Bar will once again take a beating.

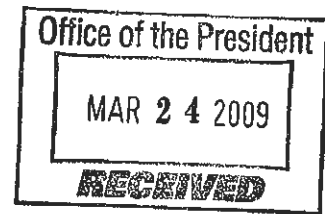
Maybe you see your role as a political activist, but I think it demeans the profession.

Very truly yours,


Kevin J. Dunne

KJD/laf

cc: Robert D. Hunter, President, IADC



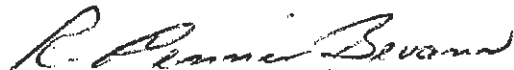
5411 Summer Leaf Lane
Alexandria, VA 22312

Dear ABA President: H. Thomas Wells, Jr.

My recently published book, FAST TRACK BUREAUCRAT, contains a chapter that should be required reading for every individual in the ABA, especially those holding an elected political office.

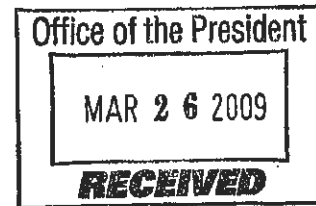
I invite your attention to Chapter 19, starting at p. 363.

Sincerely,


R. Dennis Bevens, Author

Mar 20, 2009

H. Thomas Wells, Jr.
President
American Bar Association
321 N. Clark Street
Chicago, IL 60610
[Tel: (312) 988-5000]



Sir:

I am writing you at this defining moment in American history to draw your attention to the concern of my family and of millions of Iraqi citizens over the prolonged unlawful detention of my father Tariq Aziz.

As you know, my father was the Foreign Minister and Deputy Prime Minister of Iraq. In that quality, he was **responsible for crafting Iraq's foreign policy** and always fought for the progressive, centrist ideals he believed in at a time when most of the developing world was aggressively polarized into opposing "blocs". It is precisely because of his dedication to moderate and secular ideals, that **Tariq Aziz was repeatedly targeted by members of the Islamic Dawa Party: in April 1980, he survived an assassination attempt carried out in central Baghdad by Dawa Party militants trained and armed by the Iranian government.**

For all his time in government, Tariq Aziz served exclusively as chief diplomat, rising to the rank of Deputy Prime Minister in charge of supervising his country's foreign policy and public diplomacy efforts. Throughout his career, Tariq Aziz has constantly sought to build bridges between the Arabic-Islamic world and the West, rejecting the Manichean view of "clash of civilizations".

As mentioned earlier, Tariq Aziz was Deputy Prime Minister in charge of foreign policy at the time of the US invasion of Iraq in March 2003. **Throughout his career in government that spans 31 years, Tariq Aziz served solely in the fields of foreign policy and information/public diplomacy:** he never held any government position related to domestic policy, defense or state security. In other words, he never was in a position to indict, let alone convict and arrest, anyone inside or outside his country.

After US troops completed their illegal occupation of Iraq in April 2003, President Bush chose to dismantle the country's civilian government structure and issued a "list of most-wanted Iraqis" lumping together senior civil servants such as Tariq Aziz, as well as military officers and members of President Saddam Hussein's extended family... Tariq Aziz surrendered to American forces on April 24th 2003, thus becoming a *de facto* prisoner of war: he has remained in detention since then.

Until April 2008, no charges were brought against him, in clear breach of international and US laws- notably the Sixth Amendment to the United States Constitution which makes explicit "*the right to a speedy and public trial, by an impartial jury*"... Things got worse on April 29, 2008, when after 5 years of imprisonment, Tariq Aziz was suddenly charged by the Iraqi government for the execution of 40 merchants back in 1992.

Beyond the vacuity of these accusations based on doctored documents and false testimonies, we have reasons to believe that **the hastily arranged trial of Tariq Aziz will be a travesty**: in essence, this illegal trial coming after more than 5 years of illegal detention is just a **judicial tool used by Dawa Party militants to continue their attempt on the life of Tariq Aziz.**

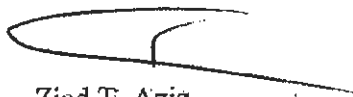
Today, more than half of the members of Iraq's government are members or former members the Islamic Dawa Party: in fact Iranian-trained **Dawa militants are present at all levels of government, notably at the Ministry of Justice and in courts of law across the country**- with the notable exception of the northern Mosul district and Kurdistan, most of Iraq's Arabic-speaking judges and jury nominees selected by the government are now likely to be staunch Dawa members or sympathizers....

In these circumstances how can my father expect to be judged fairly? If, in the framework of the recently adopted U.S.-Iraq Status of Forces Agreement, Tariq Aziz is delivered to the Iraqi government in the coming weeks, then this will amount to cold-blooded murder.

In addition to that my father, a 73 year-old man, suffers from a number of critical illnesses. He had suffered a stroke before the invasion of Iraq for which he was hospitalized several times. One of our main concerns is the quality of the healthcare he receives in the detention centre, as man in his old age and medical condition needs constant, advanced medical care, one which, to our knowledge, is not available at the detention centre in Camp Cropper.

Today, as Tariq Aziz sits in jail in **Camp Cropper, a de facto US territory**, while Iraq is descending further into sectarian violence, his family and his friends are asking you to help in his release. We know your dedication to justice and progressive ideals and we're certain your help can make a real difference: at a time when President Obama has started to reverse some of the wrongful policies pursued by the previous administration, I am confident that my father's cause won't have a better advocate.

Respectfully yours,



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