

Curriculum Vitae

Michael Ronald Arthur White, Sr.

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Current Faculty Position

AUBURN UNIVERSITY MONTGOMERY – COLLEGE OF BUSINESS

Distinguished Senior Lecturer of Business Law – 2016 to present

Clement Hall, Suite 303
Business Administration Department, Room 302 B
P.O. Box 244023
Montgomery, Alabama 36124-4023

Visiting Lecturer of Business Law – 2015 – 2016

Adjunct Professor of Business Law – 1983 to 1997; 2003 to 2015

In current position, I am responsible for developing and teaching all law related courses in the College of Business. I am qualified to teach both undergraduate and graduate level courses. I am currently trained to teach in Blackboard and Canvas, and teach in face-to-face and online modalities. I have also developed and taught courses in healthcare law for the MBA and MHA programs. Also taught a CPA exam preparation course in the Master of Accountancy program. I am developing a Technology Law and Ethics course to be delivered on an undergraduate and graduate level. I am currently designated as a ***Scholarly Practitioner*** under the College of Business AACSB standards.

Courses taught at AUM (numerous sections taught during quarters or semesters) include:

MN 240 *Business Law I*
MN 340 *Business Law II*
MN 640 *Business and Society*
JUST 1270 *Intro to the American Legal System*
MNGT 2410 *The Legal Environment of Business*
MNGT 3420 *The Legal Aspect of Business*
MNGT 4760 *International Business Law*
HADM 5500 *Healthcare Law and Ethics*
HRSM 3150 *Human Resource Management*
HRSM 4050 *Employment Law*
MNGT 4100 *Business Ethics*
MNGT 6760 *International Business Law*
MNGT 6970 *Healthcare Business Transactions* (EMBA- East Alabama Health Systems)
MNGT 6400 *Managing the Legal Environment of Healthcare*
ACCT 6970 *Special Topics in Business Law*
ACCT 6740 *Business Law for the CPA exam*

Hubei University of Economics (HBUE) in Wuhan, PRC and AUM

Beginning in 2015, I taught a modified course of MNGT 2410 to students with comparisons of the American and Chinese legal systems. I taught these courses in the city of Wuhan, Hubei, PRC at HBUE during the summer terms from 2015 through 2019. Throughout the pandemic and summer 2024, the course was delivered online with live lectures from AUM at night to China using Zoom. This is a joint-degree program between HBUE and AUM. I was an AUM faculty member and paid by AUM.

Faculty/Administrator Position

COB Interim Graduate Programs Director – Starting October 1, 2022 I accepted the position of Interim Graduate Programs Director. I supervised two employees and coordinated the four existing master degree programs housed within the College of Business. I continued teaching and directed overall strategies for the growth and quality of our MBA, MHA, MSMIS and MAcc degree programs, in coordination with their respective directors and faculty advisors. In conjunction with the Director of the A.I. Lab and the prior Dean, I prepared the paperwork and helped coordinate the development of a new Master of Artificial Intelligence (MSAI) degree *within* the College of Business. I also developed a new course in the MSAI (INAI 6450) addressing Technology Law and Ethics for A.I. The goal was to enable business students to use A.I. in business decisions. With the hiring of a new Dean and changes in the College, I returned to my role as faculty in August 2024.

MICHAEL R. WHITE, Attorney at Law
Montgomery, Alabama 36106

2003 to present day

Since leaving state service as **Chief Administrative Law Judge for Education** in 2003, I maintained a general legal practice primarily representing business clients in everything from contractual issues to complex litigation. My primary client in recent years was in the precious minerals business within the U.S. and Mexico. I am **currently licensed in good standing and admitted to practice in all Alabama courts, as well as the United States Supreme Court.** I have adjusted my legal practice as I have been primarily focused upon my teaching responsibilities. Occasionally, I offer some practical insight and consult on pending cases with other counsel based upon my past experiences in significant cases over the last 43 years. I am also involved in various State Bar Sections, Committees, Statewide Task Forces and supporting activities with the State Bar Association which are often related to the courses I teach. Currently I am serving on a Bar Task Force to provide programs to public schools during February and May for Law Day. I have been a member in good standing of the **Alabama Bar Association since 1981** and admitted to practice before the **United States Supreme Court since 1997.**

University or Faculty Senate Service on Committees

University Intercollegiate Athletics Committee (Chair) 2020 to present – Following the conversion of this committee to a University Committee responding directly to the Chancellor, I was asked to serve as the **Chair** and **developed bylaws** approved for the Committee. Our mission is to provide advisory feedback to the Chancellor consistent with university oversight responsibilities under NCAA Division II and the Gulf South Conference.

Faculty Senate Intercollegiate Athletics Advisory Committee – College of Business Representative (2017-2020)
I served on this faculty senate committee which advises the University leaders on issues involving student-athletes and the programs at AUM in an oversight capacity for the athletic programs and ensure compliance with NCAA requirements. In this capacity I made presentations to the coaches and assistant coaches for AUM on the creation of Limited Liability Companies (LLC's) for their various sports camps in order to meet the requirements of the NCAA on this matter. I offer legal insight when asked by the members of the committee and Chancellor. I was the Chancellor's lead person on convincing the Faculty Senate and Faculty Council to realign the IAC from a Faculty Senate committee to a University Committee.

Warhawk Hall of Fame Selection Committee – As Chair of the IAC, I am on the selection committee for outstanding former student-athletes who made outstanding contributions to AUM. (2020 to present)

AUM Graduate Council – I served in an *ex-officio capacity* on the Graduate Council to respond to questions about the programs in the COB and to ensure quality programs and integrity consistent with SASCOC standard 6.2 while Graduate Director.

AUM Core Curriculum Oversight Committee – I am the representative of the COB on this Faculty Senate appointed University Committee. The general responsibility of the committee is to review/approve changes to the core curriculum in all colleges.

Search Committee for AUM Athletics Director – I previously served on the search committee in 2016 and again served on the search committee for the Senior Athletics Director in summer 2022. It was a nation-wide search ending with the selection of the current Athletics Director.

Faculty Council/ Senate Parliamentarian – Initially elected by the AUM faculty to serve for 2019-2020 academic year and reelected for the 2020-2021 and 2021-2022 academic years. As Parliamentarian I was a member of the **Faculty Senate Executive Committee** which sets the agenda for the Faculty Senate meetings and acts when needed between meetings. I was term limited in AY 2022-2023 and could not run.

Strategic Planning Committee – Facilities Component – Served on committee to assess and develop a new strategic plan with respect to facilities at AUM for next five years. Made report to full committee and submitted plan to Chancellor for approval by AU Board of Trustees.

College of Business Committee Service

COB Team Captain for the AUM Family Campaign – I served as the college coordinator to encourage participation by all faculty and staff in the AUM annual giving campaign.

College of Business Scholarship and Honors Committee – 2018 to 2019, 2022 to present, I serve on the committee that evaluates applications and recommends awards for various scholarship and honors recognition for students in the COB.

Prior Committee and Service Includes:

Dean's Leadership Committee – In my capacity as Graduate Programs Director, I served on this leadership committee to discuss and set the agenda for initiatives within the college. (Oct. 2022 to Aug. 2024)

College of Business Faculty Development Committee – I served on this committee addressing changes in the faculty evaluation standards, and other issues which impact upon the improvement of faculty in the College of Business. Faculty qualification criteria and evaluation criteria which were proposed to the faculty for approval.

I also participate in various activities within the College of Business and the University throughout the year to support students and initiatives of the leadership. I routinely participate with **the SHRM club** with Human Resource majors since I teach courses in that area. Served on selection committee for review of applicants for Human Resource faculty position, Spring 2018. Was chair of one search committee for Management faculty in Spring 2019 and served on two other search committees in Spring 2019 for HR faculty and a position in the University Advising Office. I have served on search committees for administrative positions and faculty. Various activities include participating in orientation activities for new students to helping students at Professors in Pajamas in preparation for their final exams. Routinely, I attend University athletic events to support student-athletes.

Entrepreneurship Forum Speaker and Presenter – College of Business – During the fall term of 2016 and in the spring term 2018, I served as a panelist for the Entrepreneurship initiative within the College. I presented information which would be useful for people starting businesses on the type of entity best suited and the tax implications of same.

Interdisciplinary Program and Initiatives Development (IPID) Committee – I served on the interdisciplinary group charged with developing suggested areas where multiple disciplines can provide instruction for programs which may improve student enrollment and participation. These were presented to the AUM Faculty Senate for consideration and forwarded to the Administration for possible adoption. (2017-2018)

COB Graduate Curriculum Committee – *ex officio* membership as Graduate Programs Director. General duties of the committee were to review/approve changes in graduate programs course offerings.

Ad Hoc COB Service – During the Fall 2021, Spring 2022 and Fall 2022 I participated in developing and presenting information to students through various initiatives like **Majors in Minutes** where I helped students explore studies in Entrepreneurship, and a **COB Job Fair(s)** where we had several potential employers come to campus in Taylor Center and interview COB students for future employment opportunities.

Regional, State and Community Service

Cumberland School of Law – Samford University – Judged the Williams 1L Moot Court competition involving first year Cumberland students who present and argue a case to the court. Students are evaluated on critical factors impacting the courtroom experience of actual practicing attorneys. Judged two different trials on February 13 and 25, 2022 in Birmingham.

National Moot Court Competition Judge for Region 8 competitions, including law schools from Kentucky, Florida, Georgia, Tennessee, Mississippi and Alabama. Presiding Judge for finals competition in 2019, a scoring panel judge in 2020. Sponsored by the Alabama Bar Association and the American Trial Lawyers Association. In Spring 2021 we held the competition virtually and evaluated teams based upon their virtual performance in Moot Court.

Judge for Alabama Consortium for Technology in Education – Evaluating projects submitted by K-12 students in competition for scholarships and other recognitions. In 2021 this event became the **Student Technology Association (STA)** and I judged student submissions from Middle School and High School students statewide.

Alabama State Bar Task Force on Improving Lawyer Image – Appointed to the task force in 2019 to develop strategies on how to better communicate to the public the service and good deeds of members of the Bar. Goal is to reinforce the professional image through positive contributions of lawyers and identify methods to best share through media, personal interest articles and local publications. Subcommittee chair on media contacts and strategies. State task force has approximately 35 members statewide representing over 18,000 lawyers in Alabama.

Alabama State Bar Task Force – A Lawyer in Every Classroom – A statewide task force to provide a direct presence in classrooms throughout the state on April 30, 2021 in support of Law Day and the role of lawyers in society. I will make a presentation to 7th and 8th graders in Conecuh County, Alabama consistent with other lawyers throughout the state to educate and enhance the understanding of law and lawyers in today’s society. I am on the committee coordinating the activities of 200 lawyers across the state in making these classroom presentations. I continue to serve on this Task Force through 2022. We are again preparing in person and virtual programs for K-12 schools in support of Law Day 2022.

EDUCATION

Doctor of Jurisprudence, (J.D.) and Master of Business Administration (MBA)

(Jointly earned)

Cumberland School of Law and Brock School of Business, Samford University

Birmingham, Alabama, September 1978 to May 1981

Bachelor of Arts

Huntingdon College

Montgomery, Alabama, September 1975 to May 1978

Dual Majors in **Business Administration** and **History** with a minor in Math

BAR & COURT ADMISSIONS

Alabama State Bar - September 1981 to present – Admitted to practice before all Alabama Courts

Bar Section Memberships:

Business Law Section

Elections, Ethics and Government Relations Law Section

Health Law Section

In-House Counsel and Government Lawyers Section

Labor and Employment Law Section

United States Supreme Court, Washington, D.C. – Admitted Member of Bar - 1997 to present

** Prior admissions to Federal District and Circuit Courts not renewed based upon employment needs, dues expense and goals.*

Previously a member of 11th Circuit Court of Appeals and all three Federal District Courts within Alabama. Eligible for reinstatement in good standing, if desired.

PROFESSIONAL TRAINING AND CERTIFICATIONS

Certified Mediator – Mediation and Alternative Dispute Resolution Certification – Completed initial training course, December 2007, Mobile, Alabama. Course taught by Mediation Media, Inc. (Troy A. Smith, J.D.) in conjunction with the Alabama Center for Dispute Resolution and the Alabama State Bar. Permitted to act as Mediator for resolution of disputes within the courts of the State of Alabama pursuant to certification. Completed Advanced Mediator training, March 2010, Mediation Media, Inc., and the Alabama Center for Dispute Resolution, Montgomery, Alabama.

Court Approved Guardian Ad Litem (GAL) – 2009 to present – Completed Alabama Family Court Division training to serve as a Guardian Ad Litem in cases before the various Alabama courts, April 2009, Tuscaloosa, Alabama. Certified by state and listed for appointment to serve in such capacity.

2010 – 2024 - Recertified following annual training completion.

Online Course Delivery Certification -Auburn University Montgomery – Since December 2012 through present.

Online Course Delivery Certification – Troy University – Attended and completed the certification course for Blackboard delivery platform for Troy University, October 2015. Methods and uses differing for same by universities.

Collaborative Institutional Training Initiative (CITI) – Completed training in Social & Behavioral Research on July 14, 2017 and am certified.

Graduate Teaching Approved – I am currently approved to teach graduate level courses in my discipline through 2027.

PAST PROFESSIONAL EXPERIENCE

TROY UNIVERSITY MONTGOMERY

SORRELL COLLEGE OF BUSINESS – Adjunct Faculty - 2015 to 2017

I taught face-to-face courses on campus in Montgomery and online courses for main campus through *eTroy*. I completed Blackboard online certification for Troy University and taught Law 2221 (Legal Environment) and HRM 4455 (Employment Law). Because of the conflict of interest when joining the full-time faculty of AUM, I was no longer allowed to accept offers to teach for Troy University.

CHIEF ADMINISTRATIVE LAW JUDGE FOR EDUCATION – Office of the Alabama Attorney General- 2003

Administrative Law Judge hearing and deciding administrative law cases before different state agencies and boards. Heard evidence and made rulings with findings of fact on cases from tax franchise liability to license questions, depending upon the agency involved.

GENERAL COUNSEL FOR THE ALABAMA DEPARTMENT OF EDUCATION -

DEPUTY ATTORNEY GENERAL - STATE OF ALABAMA 1997-2003 Chief legal counsel for State Board of Education and State Superintendent providing legal advice on all legal matters involving K-12 education in state. Advised Board on policy and legal matters impacting public schools in 128 districts. Acted at the level of Assistant State Superintendent and Director of Legal Department within the executive council of the department. Managed a legal department with a budget of several million dollars within the agency. Interacted directly with Governor and Legislature on education legislation. Responsible for negotiation, implementation and compliance with several federal court Consent Decrees (Special Education & Facilities Desegregation, Teacher Testing, Employment Discrimination, Adequate School Funding).

Partner in law firm Moore & White, Montgomery, Alabama – 1989-1997 General legal practice representing businesses and individuals in litigation and other aspects of legal needs. Also served as Due Process Hearing Officer for Alabama Education Department for Special Education hearings. Public Defender for City of Montgomery in Municipal Court. Special Assistant Attorney General for Alabama for eminent domain right of way actions.

Partner in Moore, Kendrick, Glassroth, Harris, Bush & White – 1983-1989 General legal practice with five other attorneys handling all types of legal matters.

Staff Attorney and Bailiff for the Hon. H. Randall Thomas, Circuit Judge – 1981-1982 I wrote legal opinions and orders for Judge on civil and criminal matters and acted as a bailiff for the court. Organized the civil case docket.

Legal Intern for United States Senator Howell Heflin, Washington, D.C. on the Senate Judiciary Committee, Summer 1980.

PROFESSIONAL PUBLICATIONS AND/OR PRESENTATIONS

Much of my professional life as a practicing attorney did not lend itself to writing for academic research purposes or for publication. My writing was in behalf of clients, including the State of Alabama, as an advocate through briefs submitted to state and federal courts. Many of my cases were seminal in nature, and represented the “cutting edge” of novel legal issues, especially within the educational law area. While I was General Counsel for the Alabama Department of Education, I authored briefs which led to leading decisions on religious activities on public school grounds.

In 2000 I developed *The Guidelines for Religious Activities in Public Schools* from leading case decisions with the approval of Attorney General Bill Pryor. They were published statewide and offered on the Alabama Attorney

General's website from 2000 to 2017 as the definitive legal advice and guidance on these important legal issues for parents, students, teachers and K-12 school administrators.

I wrote many legal briefs in conjunction with the Attorney General and was the primary education legal counsel in the cases before the Federal District Court and Eleventh Circuit Court of Appeals. I also authored lengthy briefs, replies and interpretive opinions on teacher testing in Alabama, the equitable funding of schools, desegregation and unitary status, teacher tenure and many other critical and seminal legal issues of importance to the citizens of Alabama. I drafted numerous pieces of legislation and wrote the teacher background check bill which became a statute. I also drafted the administrative rules of the State Board of Education implementing state law in local school districts. My historic writing has not been of the traditional academic form with hypothesis, research and results, or the examination of data and observations. My writing has been as an advocate, or primary author of opinions and legal briefs submitted to courts, in the style and methods which are unique to those endeavors. But even as an advocate, my submissions to the courts had to have substantial research support in precedence, and acceptance if I was to convince the Courts to adopt my arguments as ultimate rulings. Fortunately, in many instances the Courts were convinced to adopt my arguments expressed in these briefs and publish them within their rulings. These important rulings continue to have **direct and continuing impact** as various courts rely upon these rulings and cite those arguments in current decisions in Alabama and throughout the country. A representative sample of these case decisions and citations are listed at the end of this document.

As **Chief Administrative Law Judge/ Due Process Hearing Officer**, I wrote lengthy opinions and decisions resolving disputes. Often those written decisions were involving minor children and not generally published for public distribution. Over fifteen years of acting in this capacity, I authored many rulings and opinions providing a statement of the facts from the evidence presented and application of the law to those facts in a final administrative ruling.

Publications, Presentations, Scholarly Activities and/or Media Presence

White, M.R., (October 11, 2024) Alabama Higher Education Exchange, Auburn University and Alabama Commission on Higher Education, "AI in Action: Insights on Transformation and Adoption Across Disciplines", panelist presenter for Business Law and AI.

Locke, J., Jourdan, Z., Smith, B., White, M. (July 31, 2024) Air University Innovator (AUiX), "LEDxtra: AI 101", conference panelist, Montgomery, Alabama.

White, M.R., Davis, T., (June 28, 2023) Auburn University at Montgomery (AUM), "A.I. Half-Day Conference", break-out session presenter- *Law, Ethics and A.I.*

White, M.R., Davis, T., (June 2, 2023) Auburn University at Montgomery (AUM), "A.I. Open House", Break-out session presenter – *Technology Law and A.I.*

Bryant, N.P., White, M.R., Newman, C.M. and Newman, J.A. (2022) "Maximum Pay Laws: Is it time?", *Journal of Business, Industry and Economics*, 27, Spring/Fall 2022, 24-48.
<http://www.buildingthepride.com/jobie/spring2022.php>

Haq, I., Smith, W. & White, M. (2018) "The relationship between an audit committee chair change and audit fees." *Journal of Finance and Accountancy*, 24, 1-15.

Journal Reviewer - I am a listed reviewer of academic manuscripts for the following journals:

American Business Law Journal (ABLJ)
Journal of Legal Studies Education (JLSE)
Southern Business Economic Journal (SBEJ)
Journal of Ethical and Legal Issues (JELI)

Some of the manuscripts reviewed based on my professional expertise include the following:

Changing Gratuity Expectations and Consumer Contracts: An Argument for Effective Regulation – August, 2024. **ABLJ**

Global Crypto Markets and U.S. Regulators: The Effect of the SEC and CFTC Enforcement – September, 2022. **ABLJ**

Oh Naturelle, Health and Beauty – A Case Study -Summer 2021. **JLSE**

Canadian Sports Law – March, 2021. **JLSE**

Road Rage in California -March, 2020. **JELI**

Boosting the Southern Regional Economy While Balancing the Trade Deficit: Oil and Gas Exports are the Answer – February, 2020. **SBEJ**

Dick and Jane hire a Lawyer – A case study – November, 2019. **JLSE**

Textbook Review for Jones & Bartlett publishing, *Managing Legal Compliance in the Health Care Industry*, by George B. Moseley, III. Prepared a detailed report for company with suggestions and observations regarding the text material in preparation of the second edition. Was requested by the company because of my discipline expertise in the field.

Speaker & Panel Member at Entrepreneurs Speaker Forum, AUM College of Business, February 15, 2018 – Addressed legal and insurance issues in public forum with Mr. Willie Durham from State Farm Insurance. Directed to those starting a new business. Taylor Center, AUM – 5 to 8 p.m.

***Guidelines for Religious Activities in Public Schools, 2000 to 2017**, approved by Attorney General Pryor, distributed to all school districts and formerly published on Alabama Attorney General Website through 2017. Removed by new Attorney General when updating website and moved to archive materials on website.

***The 4- “C’s” of Intervention, Education and the Law**, Alabama School Board Journal, 2002, published by the Association of Alabama School Boards, Montgomery, Alabama.

***LEGAL ISSUES IN TEACHER TENURE and LEGAL ISSUES IN THE FAIR DISMISSAL LAW**, March 2000 handbook and presentation to Alabama Association of School Administrators, Montgomery, Alabama, Co-Authored with Hon. Dorman Walker and Hon. Carl E. Johnson, Jr. and presented jointly in two separate daily meetings.

*Annual Presentations to the Alabama Association of School Administrators, Alabama School Board Association, and also the Alabama School Board Attorneys Association, various topics on school law, school safety and statewide implementation of education initiatives. Three separate association conferences with presentations made to each group. Each group received written materials relevant to their respective areas of concern on legal issues and implementation of education policies. Materials published and distributed by Alabama Department of Education, July each year from 1997 through 2002, Gulf Shores, Alabama. **[Note: 18 different conference presentations by MRW during this period]**

*Multiple presentations on developing case law and court decisions to quarterly K-12 Superintendent meetings held throughout Alabama by State Department of Education, from March 1997 through December 2002. **[Approx. 15 separate presentations and supporting materials provided by MRW during these meetings.]**

*Multiple presentations made to the Alabama Board of Education in work sessions and public meetings on various case decisions and the implementation of consent decrees. Twice a month during the six years serving as Chief Legal Counsel, 1997 – 2003. Written materials and oral presentations made to the body. **[Approx. 60 such presentations to the State Board of Education.]**

***Responsible for implementation of the Federal Consent Decree on Teacher Testing** in Alabama (*Allen v. Alabama State Board of Education*) and coordinating the Court appointed, Monitoring Committee and their meetings to implement the same. Reported upon progress to Governor and State Board of Education in numerous public meetings with written materials and oral presentations.

*Interviewed for many news articles and media presentations by television, radio and newsprint media on matters related to K-12 education and legal issues in Alabama. Participated in radio programs for WVAS at Alabama State University on topics from desegregation to high school exit exam. Interviewed and quoted in many articles in Birmingham News & Post Herald, Mobile Register and Montgomery Advertiser newspapers on multiple topics from 1997 -2003.

*Negotiated, co-authored and helped to implement **Special Education Federal Consent Decree (1998 -2000)** which required specific documentation of students as meeting requirements as mentally challenged **prior** to being assigned to classes for same. See *Lee v. Macon County BOE, et al*, statewide issues in Special Education and School Facilities. Consent Decree was recognized as superior in its components by United States Justice Department Office of Civil Rights and U.S. Attorney General at time. Used as a template for other states to implement adequate and thorough evaluation and documentation of students prior to referring for MR classes in special education. Made multiple statewide presentations on implementing new requirements to state education personnel and parents.

*Recognized as a **Governor's Fellow** for my presentations and efforts in the development of Alternative Dispute Resolution (ADR) by the Governor's Task Force on State Agency ADR, Alabama 2001.

**Keys to Success in a Real Estate Transaction in Alabama*, Co-Author, National Business Institute, Inc., Eau Claire, Wisconsin, 1996, Presented March 1996. (Professional CLE hours.)

**Mastering Real Estate Titles and Title Insurance in Alabama*, Co-Author, National Business Institute, Inc., Eau Claire, Wisconsin, 1995. Presented at July 1995 Seminar. (Professional CLE hours.)

*Legal Issues in Special Education, seminar panel member as Hearing Officer, Alabama State Department of Education, March '95. Presentation to K-12 school personnel.

Recent Awards or Recognitions

April 2023 – Inducted into **Phi Kappa Phi** scholastic honors society for excellence in teaching and scholarship as a faculty member. Now serve as the chapter historian.

October 2022 – “*Distinguished Lecturer Award*” – Awarded by AUM Chancellor and Provost for outstanding and exceptional efforts in teaching and service as a non-tenure track faculty member to the university. Allowed to use the title *Distinguished Senior Lecturer* at AUM.

April 2020- Nominated for AUM University Distinguished Faculty Service Award – Recognized by Provost and awarded \$1,000 in professional development funds based on nomination.

2019 Warhawk Faculty/Staff of the Year Award – Voted upon by all university student-athletes as faculty member who goes above and beyond in support of student-athletes at AUM. University wide award. April 22, 2019

April 2019 – Recognized by three baseball student-athletes as faculty member who has had significant impact upon their lives. Award recognized prior to baseball games.

April 2018 – Recognized by AUM Tennis team and AUM Baseball team as faculty member who has had a significant impact upon the student-athletes' lives.

March 2018 – Recognized by Women's Softball team and two players as a faculty member who has had a significant impact upon their lives.

December 2017 – Recognized by cross-country team member as faculty member who has had significant impact upon the student-athlete's life. Recognized at Basketball game halftime.

Past Awards, Honors and Activities

CUMBERLAND LAW SCHOOL, SAMFORD UNIVERSITY - Delta Theta Phi Legal Fraternity

HUNTINGDON COLLEGE

President, Student Government Association, 1977-1978

SGA Senator 1976 - 1977

Huntingdon Host, 1975-1978 (Head 75-76)

Society for the Advancement of Management, 1976-1978

International Relations Club, 1977-1978

Honors Committee Selection, 1977-1978

COLLEGIATE SPORTS

Huntingdon Golf Team Member, 1975-1978

FRATERNITY

Charter Member of Sigma Phi Epsilon, Huntingdon Chapter
Controller of Chapter Finances, 1977-1978
Delegate to National Conclave, 1977

COLLEGE AWARDS

Huntingdon Scholars Award, 1975-1978 (academic scholarship)
Who's Who in American Colleges and Universities, 1978

JEFFERSON DAVIS HIGH SCHOOL

President, Student Council, Jefferson Davis, Enrollment 2300
President, Hi Y/Tri-Hi Y Club
President, Law Explorer Scouting Post 24
Sports Editor Yearbook
Delegate to Youth Legislature, 1974

Southeastern Ballroom Dance Competition, South Carolina - First Place -Waltzing

HIGH SCHOOL SPORTS

Varsity Football, Two Letters earned as Quarterback
B-Team Football, Two Years as Quarterback
Varsity Track

HONORS AND RECOGNITIONS

Voted Most Likely to Succeed

National Honor Society – GPA 3.94 (top 2%)
Winner of David Folmar Memorial Leadership Award

Nominee for Jimmy Hitchcock Award for Outstanding Athletics, Character and Scholarship

* Appointed to the **United States Naval Academy, Annapolis, Md.** by United States Senator Jim Allen, but I could not attend due to severe illness of Mother who died shortly after date I would have reported for duty. Being appointed to a service academy was a significant honor.

SCOUTING - EAGLE SCOUT - 1 Gold, 2 Silver & 1 Bronze Palm – Troop 130, Talladega, Alabama

Order of the Arrow - Brotherhood Member
Awards and Medals -National Camping, Mile Swim, Gold Quill, Paul Bunyan Axeman, Sharpshooter
Instructor of Map and Compass
Junior Leaders Training Camp Completed
Served in all leadership positions from Scribe to Senior Patrol Leader
Attended 13th World Scouting Jamboree – Mt. Fuji, Japan, Bugler for troop
Served as Den Leader when son was in Cub Scouts.
Past Member of National Eagle Scout Association to promote character and leadership.

Published Case Decisions of Note wherein I served as the Lead Counsel with prevailing briefs:

(When an appellate court rules, it often adopts the arguments and research of the prevailing counsel in the published decision. When these decisions are cited by other courts as the basis for rulings in other cases, I submit this represents societal impact partially from the research of the prevailing counsel. I offer these representative decisions with subsequent citations in support of impactful legal research and advocacy to persuade the Court in reaching such conclusions.)

State Board of Education v. Ronald Waldrop, et al., 840 So.2d 893 (Ala. 2002).

This case deals with the requirements of establishing a class action case in order to provide a settlement which will provide continuity to all those impacted under a particular statutory interpretation. The case involved paying teachers under a state salary matrix and the discretion permitted to local boards of education to deviate from same. It also defines when a common fund benefit or settlement may be utilized as an argument for the award of attorney fees and when it is not appropriate. This ruling was especially important for businesses defending class action claims in limiting the attorney fees owed to class counsel under the common fund theory in Alabama. The Alabama Supreme Court ruled it was inappropriate in this case to provide the attorneys a portion of the fund meant for teacher salaries.

This decision has been cited **forty-eight (48)** times by other courts. Each of these cases relied upon the **Waldrop** decision rationale as support for the ruling therein. Not only is this case cited in Alabama, but it is also cited by courts in North Carolina (2010) and Texas (2013). The Texas case is a decision of the U.S. District Court, Northern Division which I use in classroom lectures to demonstrate cross jurisdictional interpretations of contracts and the elements necessary to form a legally enforceable agreement. It is a Texas case about the breach of a contract created under Alabama law and the denial of attorney fees under the factors described in **Waldrop**. [Altec Capital Services, LLC, d/b/a Equipment Finance Partners v. Weir Bros., Inc. et al., 030813 TXNDC,3:11-CV-3409-D (NDTX 2013)].

Alabama Citations

2023 – 1 time
2022 – 1 time
2020 – 2 times
2017 – 2 times
2016 – 1 time
2015 – 3 times
2014 – 4 times
2013 – 5 times
2012 – 3 times
2010 – 2 times

Federal Citations

2018 -1 time
2013 – 1 time
2012 – 2 times
2011 – 2 times

Ex parte Gov. Fob James, et al., v. Alabama Coalition for Equity, Inc., et al.,836 So. 2d 813 (Ala. 2002).

This is a shortened citation referring to the group of cases (consolidated by the Court) which were brought challenging school funding in Alabama and attempting to remove unconstitutional language from the Alabama Constitution. These were commonly referred to as the “ACE” cases. There were numerous efforts made legislatively and by the State Board of Education to attempt to address the differences of funding available to school districts in Alabama based upon their local tax base and what components were necessary to provide an adequate education. The cases were ultimately decided on a **separation of powers** analysis by the Alabama Supreme Court. The Court ruled that the Alabama Constitution places the burden of funding education in Alabama upon the Legislature and not the Judiciary. Were the Courts to order implementation of taxes or allocation of resources, then the Courts would step beyond those powers enumerated for the Judiciary in our Constitution. This case is a significant decision utilizing a **separation of powers** analysis we argued in behalf of the Governor and State BOE.

This ruling has been cited **fifty (50)** times by courts within and without Alabama, state and federal. It has been referred to by courts in Arkansas, Texas, Nebraska, Colorado, Indiana, Iowa and Illinois supporting decisions in those jurisdictions. Since **2010** this case was relied upon **twenty-eight (28)** times and it is anticipated that it will continue to be solid authority standing for judicial restraint in the exercise of authority.

Alabama Citations

2023 – 5 times
2019 – 2 times
2018 – 1 time
2017 – 2 times
2015 – 2 times
2014 – 3 times
2013 – 3 times
2011 – 1 time

Federal & Other State Citations

2020 – 1 time 6th Cir. Ct. of Appeals
2018 – 1 time Delaware; 1 time 11th Cir. Ct. of Appeals
2017 – 1 time Pennsylvania
2015 – 2 times Fed. Dist. Ct.
2015 – 1 time – Illinois Supreme Court
2014 – 1 time – 11th Cir. Ct. of Appeals (Fed.)
2012 – 1 time – Iowa Supreme Court
2011 – 3 times – Federal District Court
2010 – 2 times – Indiana & Colorado App. Cts.

Earlier versions of this case were also appealed and reported at 713 So.2d 937 (Ala. 1997). The earlier versions addressing the issues of finality of orders and appeals have been cited by courts **twenty-seven (27) times in addition to those shown above. Since **2011** it was cited **ten (10)** times including **twice (2)** in Alabama state courts in **2015** and **one (1)** time by U.S. District Court in Alabama in **2015**.*

Edward L. Hall, Dr., Cordelia B. Moffett, Dr., on their own behalf and on behalf of all other persons similarly situated, v. Alabama Association of School Boards, Sandra Sims-Degraffenreid, in her official capacity as Executive Director of AASB, Dr. Ed Richardson, in his official capacity as Alabama State Superintendent of Education, et al., 326 F.3d 1157 (11th Cir. 2003).

This case involves allegations that local school boards violated **employment discrimination law** under **Title VII** in the selection of local superintendents of education. I was involved representing the **State Superintendent** who ultimately was responsible for supervision of Alabama's K-12 system. We defended the allegations through federal trial and on appeal to the Eleventh Circuit Court of Appeals. We were successful in showing **no violation of Title VII**. We encouraged the Court to preserve the discretion of local school boards in selecting candidates who will best fit the local needs to lead community schools. But this decision is not limited to just school boards and stands for a **strong employer decision for employer discretion in selecting qualified employees** consistent with Title VII. The Court described the application of the Supreme Court's **burden shifting** mechanism in discrimination cases pursuant to **McDonnell Douglas Corp. v. Green, 411 U.S. 792, 93 S. Ct. 1817, 36 L. Ed. 2d 668 (1973)** even when there has been circumstances of past discrimination.

Since 2010 this employment law decision has been cited by **thirty-six (36)** courts in support of their analysis of other cases. Overall this decision has been cited more than **thirty-nine (39)** times by other courts. Of those citations since **2010, three (3)** were in Georgia and **three (3)** were in Florida.

Citations in Other Cases

2023 – 4 times
2021 – 1 time
2017 – 3 times
2015 – 3 times
2014 – 6 times
2013 – 4 times
2012 – 3 times
2011 – 1 time

Governor Don Siegelman, etc., et al. v. Alabama Association of School Boards, et al., 819 So. 2d 568 (Ala. 2001).

This is a case on statutory interpretation and the implementation of **budget proration** orders in the Education Trust Fund budget. This case impacted both K-12 systems and Higher Education in Alabama. The primary issue dealt with whether salaries paid from ETF funds were subject to being prorated when the Governor declared proration in the budgets. Ultimately the Court concluded, consistent with my interpretation as General Counsel for the Education Department that such **salaries were excluded from such proration** orders.

This decision has been cited by other courts **fifty (50)** times. Since **2010** it has been used as the basis of other court decisions on **nineteen (19)** occasions. The issue of proration in the education funding budgets appears to be uniquely an Alabama problem as its citations seem to be limited to Alabama courts.

Alabama Citations

2024 – 2 times
2023 – 1 time
2022 – 1 time
2020 – 1 time
2019 – 2 times
2018 – 3 times
2015 – 3 times
2014 – 2 times
2013 – 1 time
2012 – 1 time
2010 – 2 times

State of Alabama, By and Through Attorney General Bill Pryor, ex rel. James T. Jeffers v. Cynthia F. Martin, 735 So. 2d 1156 (Ala. 1999).

This case deals with the constitutionality of portions of the Alabama Education Code found in Title 16 and its application to elected officials with issues of conflict of interests. The Alabama Supreme Court upheld our position that it was a violation of the law for a school employee to both act as an elected official responsible for governing a system and also be an employee subject to such governance. The Court declined to address our assertions that the Alabama Ethics Act was constitutional since there was a specific code provision in the Alabama education laws (Ala. Code 1975, § 16-11-2(b)) which addressed the situation presented.

Because of the unique and limited nature of this ruling, there are not as many instances where it would be necessary to cite this ruling. It has been cited **fifteen (15)** times overall and **four (4)** of those since **2010**. It was cited **three (3) times in (2015), twice in (2016), once in 2017, 2019 and 2021.**

State of Alabama v. Josh B. Washington, 623 So.2d 392 (Ala. Cr. App. 1993) ;(Cert. Denied July 30, 1993).

This decision involves a fundamental Constitutional right guaranteed by the Fourth Amendment to the U.S. Constitution. Although decided in 1993, it has been one of **the leading cases on search and seizure of vehicles following a traffic stop and issuance of a traffic citation**. This case establishes what is required by police officers or state troopers when they wish to search a vehicle following a traffic stop. The officer in this case failed to provide what was needed to support a search of the driver's vehicle and therefore the Court disallowed the search of Mr. Washington's vehicle as in **violation of the Fourth Amendment**.

The decision has been cited more than **thirty-five (35)** times by various courts evaluating search and seizure issues under the Fourth Amendment. It has been cited by courts in Maryland, Nebraska, Wyoming, New Mexico and Delaware. The Delaware Superior Court relied upon the **Washington** case ruling in **April 2015** in finding the search of a motorist's vehicle as improper. The findings in the **Washington** case have been **favorably viewed and cited five (5) times since 2014 in Alabama cases**.

Ex parte Jimmy Lee Curry. Re Jimmy Lee Curry v. State of Alabama, 471 So. 2d 476 (Ala. 1984).

This case stands for ratification of the right of persons facing trial to have the jury told that their **verdict must be unanimous** under Alabama Constitutional Law before they can be convicted of a criminal offense. It impacts the fundamental rights of someone facing criminal charges.

The **Curry** decision has been cited more than **twenty-two (22)** times over the last thirty years, and **twice (2) in the last two years (2023)** when trial courts failed to instruct juries that they must return a verdict upon which they all agree. It has also been cited by the Wisconsin Supreme Court in a similar situation.

Michael Chandler, et al., v. Fob James, et al., 985 F. Supp. 1068 (M.D. Ala. 1997).

This case is the foundational decision governing religious activities (school prayer) on public school properties in Alabama. It was brought by persons objecting to prayers being offered by public school officials and others at public school events and functions. It is the case in which Judge Ira DeMent issued a lengthy injunction which was later vacated by the 11th Circuit Court of Appeals. Moreover, this case was modified by the United States Supreme Court when it issued its decision in **Santa Fe Independent School District v. Doe**, 530 U.S. 290 (2000) involving a Texas school district's policies. The ultimate ruling is that school officials cannot initiate or impede "**genuinely initiated student prayer**".

Other courts in South Carolina and California cited this decision **twice (2) in 2015**. It was also cited twice (2) in different Florida rulings in 2010. This case has been cited **sixteen (16)** prior times by other courts.

However, what makes this case special regarding its impact, is that it also was prominent in an article written in the Wake Forest Law Review entitled, *Inequality Among Equals: Disparities in the Judicial Treatment of Free Speech and Religious Exercise Claims*. 39 Wake Forest L. Rev. 361. Also see 29 Cumb. L. Rev. 347 (1999) and the Washburn Law Journal 39 Washburn L.J. 273 (Winter 2000).

*This case also enjoys a form of continuing publication as it is the basis for **Guidelines for Religious Activities in Schools** authored by me and **currently published (2016)** on the Alabama Attorney General's Office website at <http://www.ago.alabama.gov/Page-Resources>. The Guidelines provide continuing impact to parents and stakeholders seeking information on what is permissible and prohibited on public school grounds and activities with respect to religious activity. (Attorney General Marshall moved the materials into archive status with a new web page in 2018.)

Anthony T. Lee, et al., v. Butler County Board of Education, et al., 183 F. Supp. 2d 1359 (M.D. Ala 2002).

Filed in 1963 to eliminate the vestiges of discrimination in Alabama public schools – often referred to as the **Lee v. Macon** cases wherein multiple school districts were sued in companion cases. When I became SDE General Counsel in 1997 my responsibilities were to help the remaining local school systems in the cases meet their obligations to achieve unitary status under the original court orders. My office also had to address two pending statewide issues in the litigation dealing with special education services and approval of school facilities. I negotiated the Special Education Consent Decree which concluded in 2007 and the Statewide Facilities Decree which ended in 2011. We brought roughly 100 cases to conclusion which had been pending nearly 50 years. Our Special Education Consent Decree was recognized by U.S. Attorney General Eric Holder as a model for other states to follow in meeting the needs of students with special needs.