

1 UNITED STATES DISTRICT COURT

2 MIDDLE DISTRICT OF ALABAMA

3
4 INTERVIEW OF

5 **W. HAROLD ALBRITTON III**

6 Senior District Judge
7 of the
8 United States District Court
9 For the Middle District of Alabama

10 as a part of the

11 ORAL HISTORY PROJECT

12 of the

13 U.S. DISTRICT COURT

14 MIDDLE DISTRICT OF ALABAMA

15 and in celebration of

16 TWENTY-FIVE YEARS ON THE BENCH

17 Interviewed by Lee Copeland

18 President, Alabama State Bar

19 Special Proceedings Courtroom

20 Frank M. Johnson, Jr.

21 United States Courthouse Complex

22 One Church Street

23 Montgomery, Alabama

24 Friday, May 20, 2016

25 -oOo-

1 JUDGE THOMPSON: Are we following the Albritton clock?

2 (Laughter)

3 MR. COPELAND: I will say I think it's a little slow.

4 JUDGE ALBRITTON: I do want to start on time

5 (laughter). I think we'll wait --

6 MRS. ALBRITTON: What does that say back there, Harold,
7 about you? What is the Latin?

8 MR. COPELAND: O Great One.

9 (Laughter)

10 MRS. ALBRITTON: So it's true. That's what it says.

11 JUDGE ALBRITTON: The Latin chosen for me by somebody
12 was "Make haste slowly."

13 MRS. ALBRITTON: "Make haste slowly."

14 JUDGE ALBRITTON: "Make haste slowly."

15 (Brief pause)

16 JUDGE THOMPSON: You-all saw me looking at my cell
17 phone. I know that Judge Albritton does not like you being even
18 one second late. It is now four o'clock. Have I avoided
19 contempt?

20 (Laughter)

21 JUDGE ALBRITTON: Along those lines, let me tell
22 everybody I've got a granddaughter and her husband and their two
23 little children who are stuck behind a wreck on I-65. So they
24 have an excused late.

25 (Laughter)

1 JUDGE THOMPSON: But I would like to welcome you to a
2 conversation with Judge W. Harold Albritton.

3 First of all, I'd just like to recognize a few people.
4 First of all, we have Judge Albritton's former clerks right
5 here. Would you please stand. I want to see you because I
6 remember all of you (laughter).

7 (Law clerks comply)

8 JUDGE THOMPSON: Thank you. And welcome.

9 And we have Judge Albritton's family right here. I
10 won't ask them to stand, but we can see where they are.

11 But I would like to recognize just a few people also
12 besides family and former clerks.

13 First is Elna. You know, these windows up here are
14 called the Elna Windows. And I understand that Elna edited most
15 of the stuff that came out of Judge Albritton's office. Is that
16 right? And I consider that's Elna's way of editing my conduct
17 (laughter). So whenever I sit here and look up, I know that
18 Elna is looking down upon me.

19 The second thing is I, as a judge, you know, have
20 issues. And I, of course, need a time when I can talk with my
21 fellow judges. And we do talk among ourselves, and I will pick
22 up the phone and call Judge Albritton and ask him about a
23 certain legal issue. And really rarely he'll call me back and
24 ask me about a legal issue (laughter). But if I want to get the
25 correct answer, I call Lisa --

1 JUDGE ALBRITTON: True.

2 JUDGE THOMPSON: -- who is his permanent law clerk
3 (laughter).

4 And finally, I -- you know, people talk about better
5 halves and someone's better half. And I've always thought that
6 was an ambiguous comment, because that means the better half of
7 what? You know, if you're starting out with, hmmm, and you say
8 someone is their better half, you may not be talking too much.

9 But Harold is the best. I mean, I've spent 25 years on
10 the bench with him. He is an incredible judge. I always love
11 to read what I call his gems of wisdom, gems of justice. And so
12 what do you do when you have someone who is the best and there's
13 supposed to be someone who's his better half? What would you
14 call that person?

15 Well, Jane, I hate to tell you, I'm going to break the
16 rules of English. I know you were an English teacher. And I've
17 decided you call them the "bestest half." (Laughter) And Jane
18 is truly the bestest half. She told me not to say anything
19 about her, and so forth, but I --

20 Sorry, Jane. There's nothing I could do about it.

21 But anyway, I also wanted to read a letter from Judge
22 Watkins who could not be here. And the letter is as follows.

23 "Harold, I am so sorry I can't be here today because of
24 a long-standing prior commitment. But I expect to be your
25 colleague for at least 25 more years (laughter), so maybe you

1 don't miss me so much. To you and your family and your chambers
2 family, congratulations and hearty best wishes for a memorable
3 weekend of fun and fellowship.

4 "When connection is deep, reflection need not be,
5 because connection is right at the surface of everyday living.
6 And upon reflection, every day I see down the hall a friend and
7 colleague who is consistently judicious in his commitment to the
8 law and culture, to persons of high and low estate alike, and
9 especially to me, who arrived here ten years ago as just another
10 'county seat lawyer.'

11 "If I may loosely paraphrase Teddy Roosevelt, the first
12 essential for a man's being a good man is his possession of
13 universally respected virtues."

14 And then he quotes, "'No man can be a good man who is
15 not a good husband and a good father, who is not honest in his
16 dealings with other men and women, faithful to his friends, and
17 fearless in the presence of his challenges and who has not got a
18 sound heart and sound mind.' Teddy Roosevelt would have counted
19 you a good man, one of the best, in fact. Now that I think
20 about it, maybe you knew him." (Laughter)

21 And that is in parentheses. He left me the option of
22 reading that and, of course, I could not resist reading it
23 (laughter).

24 "Nevertheless, as a husband and father, a friend and
25 colleague, a judge and public servant, you are first and

1 foremost an honorable man, a good man. We who have the pleasure
2 to experience that are much richer for it.

3 "I personally thank you for sticking with me and the
4 Court Family through thick and thin, good times and bad. We
5 always count on your wisdom and steady hand and advice.

6 "So because you have added to our archives of good men
7 and women working for the District just by being who you are, we
8 honor you, Your Honor, on the 25th Anniversary of your service
9 to us and our great nation.

10 "Have a wonderful weekend of celebration.

11 "Your humble servant and chief, Keith." (Laughter)

12 And with that, I will move on to the conversation. And
13 I'd like to introduce the president of the Alabama State Bar,
14 Lee Copeland.

15 MR. COPELAND: Thank you. The cameraman needs a couple
16 of minutes to set up. So we'll all watch him do it (laughter).

17 (Brief pause)

18 JUDGE ALBRITTON: Our cameraman is a retired CNN
19 cameraman who now lives here and is Rod Frazer's son-in-law.

20 CAMERAMAN: I think I'm still his son-in-law because
21 I'm not trying to interfere in his business (laughter). He
22 doesn't understand mine, and I don't understand his, but he
23 spoke very highly of you.

24 JUDGE ALBRITTON: I speak highly of him.

25 CAMERAMAN: And your family and the legacy for

1 Andalusia's oldest -- longest -- oldest family law firm in
2 Alabama?

3 MRS. ALBRITTON: Uh-huh.

4 CAMERAMAN: Judge, is that too much light? Are you
5 okay with this?

6 JUDGE ALBRITTON: It's okay.

7 I think we've got somebody coming in.

8 CAMERAMAN: Anytime you're ready.

9 CONVERSATION WITH THE HONORABLE W. HAROLD ALBRITTON

10 MR. COPELAND: Good afternoon. I had gotten a call
11 from Judge Thompson. And as he said, he just really wanted a
12 chat, as opposed to a speech, with Judge Albritton. So I think
13 we're just going to commence chatting.

14 Judge, when were you born and how much did you weigh?

15 (Laughter)

16 JUDGE ALBRITTON: I was born on December the 19th,
17 1936. And I don't remember how much I weighed.

18 (Laughter)

19 MR. COPELAND: We were talking, like we mentioned
20 earlier, about Andalusia. And as I understand, that your daddy
21 was one of ten or 11 siblings?

22 JUDGE ALBRITTON: He was one of 11 children.

23 MR. COPELAND: And then your mama was one of --

24 JUDGE ALBRITTON: Nine.

25 MR. COPELAND: Nine. And you're the only child --

1 JUDGE ALBRITTON: Just me.

2 MR. COPELAND: -- of that.

3 JUDGE ALBRITTON: That's right.

4 MR. COPELAND: You must have been a really bad baby if
5 they didn't want a couple --

6 (Laughter)

7 JUDGE ALBRITTON: I never asked.

8 MR. COPELAND: And your daddy was a lawyer?

9 JUDGE ALBRITTON: He was.

10 MR. COPELAND: And who -- kind of your memories as
11 eight, nine, ten years old, about that time frame, what do you
12 remember, really, about your daddy and kind of the law firm and
13 him coming home and kind of what he did?

14 JUDGE ALBRITTON: Well, he -- the law firm, when I was
15 young like that, it was my father and two uncles and a
16 contemporary of theirs named Albert Rankin. And I just remember
17 as a child, he -- Andalusia was a little town. It was about
18 9,000, maybe ten, and the county seat of Covington County. He'd
19 come home for lunch every day except when he went to Rotary Club
20 on Tuesdays. And he'd come home and occasionally take a nap
21 after lunch and then go back, and I'd see him come and go. I'd
22 see him working at home at night. And he had practiced with his
23 father and his grandfather.

24 MR. COPELAND: And the firm was started in 1889,
25 somewhere --

1 JUDGE ALBRITTON: Started in 1887. My great
2 grandfather came down as a young man from North Carolina. His
3 young wife had died. And he left two children with a maiden
4 aunt in Washington, D.C. And he got his belongings that he
5 could carry, which consisted of a little bit of clothes and his
6 volumes of Shakespeare and his violin, and he got on a train.
7 And he took off on the train heading south, not sure exactly
8 where he was going to go. He ended up stopping at the end of
9 the line in Greenville, Alabama.

10 And there was a circus there, and he was walking around
11 and talking. He ran into another young lawyer who asked him
12 where he was going. He said -- he told him his circumstances
13 and said he wasn't sure, but he just wanted to go to the end of
14 nowhere. And Dempsey Powell, who later was a partner of his,
15 said, "Well, you need to go to Andalusia." (Laughter) He said,
16 "That's the end of nowhere. And they need a lawyer down there."

17 So he rented a horse and buggy, or bought one, and
18 ended up in Andalusia and hung out a shingle: Ed T. Albritton,
19 Lawyer.

20 MR. COPELAND: All right. And then, Judge, you went to
21 high school in Andalusia?

22 JUDGE ALBRITTON: Yeah. I went to high school through
23 the tenth grade, and then went to Marion Military Institute for
24 my last two years in high school.

25 MR. COPELAND: And how did you do in high school?

1 JUDGE ALBRITTON: I did fine.

2 (Laughter)

3 MR. COPELAND: Now, we covered this before. We
4 covered, Judge Albritton, about telling good things. You were
5 the -- there was nobody better. There's a name for that. What
6 do they call it when you get the --

7 JUDGE ALBRITTON: I was valedictorian of my high school
8 class.

9 (Laughter)

10 MR. COPELAND: There you go. What was your kind of --
11 growing up as a teenager, do you remember your first car, summer
12 jobs?

13 JUDGE ALBRITTON: I do remember my first car. I was
14 15 -- 16, and it was an old Nash, kind of beat up. But it
15 was -- it was a car, and it ran, and it was a good thing to
16 have.

17 Yeah. I worked in the summers. When I was real
18 little, I went to summer camps up in Tennessee in the summers
19 then later was real involved with the Boy Scouts. But in the
20 summers, I had jobs. I worked at the Andalusia Star-News, the
21 weekly newspaper at the time. Now they're daily.

22 MR. COPELAND: This was in high school?

23 JUDGE ALBRITTON: Yeah. This was in high school.
24 Probably the eighth or ninth grade. Anyway, I worked there
25 doing various things.

1 And then I also, one summer, worked at a flower shop
2 and helping put things together. And another summer I worked at
3 a Gulf Oil distributor shop, a warehouse, stacking oil crates
4 and other things and also keeping an eye on whether any of the
5 other gas stations went up or down on their prices. And if --

6 MR. COPELAND: So y'all could raise it.

7 JUDGE ALBRITTON: Well, or lower. Usually if somebody
8 went down from 25 cents to 24 cents a gallon, then I had to do
9 likewise.

10 (Laughter)

11 MR. COPELAND: In terms of -- when you said a reporter,
12 a reporter for whom? Like the Andalusia paper?

13 JUDGE ALBRITTON: The Andalusia newspaper. They had me
14 doing some -- I first started working on putting together
15 obituaries, and then I worked some on the advertising. And I
16 remember my first byline. I covered the annual meeting of the
17 Alabama Electric Cooperative. And I wrote an article about that
18 co-op meeting, and it had my byline on it.

19 I remember one of the things from when I was working
20 there was down -- we used to call it The Bottom. It was down at
21 the bottom of a hill. And there was a cafe down there that was
22 kind of -- well, it wasn't the cleanest place you've ever seen.
23 It was called Runt's Cafe.

24 MR. COPELAND: Runt's?

25 JUDGE ALBRITTON: Runt's Cafe. And that's when I first

1 started learning how to drink coffee. I'd go over there with
2 the press people and drink coffee.

3 MR. COPELAND: And did that kind of morph into whiskey
4 as you got older as the press people normally do? (Laughter)
5 That would be a no, I take it.

6 (Laughter)

7 JUDGE ALBRITTON: I thought you were going to ask me
8 when.

9 (Laughter)

10 MR. COPELAND: Well, let's go on to college. You went
11 to -- surprise, surprise -- Alabama. And why was that not
12 really a surprise?

13 JUDGE ALBRITTON: Well, it wasn't a surprise. My
14 mother and father both went to the University of Alabama and my
15 grandfather went to the University of Alabama. So I fell right
16 in line.

17 MR. COPELAND: Were you in a fraternity there?

18 JUDGE ALBRITTON: Yeah. I was an ATO.

19 MR. COPELAND: And now, remember what we talked about.
20 How did you do in college?

21 JUDGE ALBRITTON: I did all right.

22 (Laughter)

23 MR. COPELAND: You were -- I've got ODK and Jasons and
24 vice president of the student -- is that all -- student body.

25 JUDGE ALBRITTON: Yeah.

1 MR. COPELAND: Is that all right?

2 JUDGE ALBRITTON: That's true.

3 MR. COPELAND: Do you want to tell them a little bit
4 about it or it's just going to be between us?

5 (Laughter)

6 JUDGE ALBRITTON: Well, I was on the debate team my
7 freshman year and, for a while, on my sophomore year. But it
8 got to be a little too much on top of everything else. My
9 freshman year, I worked on the student newspaper for a little
10 while, because I actually was trying to make sure I wanted to go
11 to law school and I thought I might want to go into journalism.
12 But I lost interest in that after a little while working on *The*
13 *Crimson White* and stopped that.

14 MR. COPELAND: Is that where you met Jane?

15 JUDGE ALBRITTON: Yes, it is. And we met our first --
16 the first week we were at the University of Alabama as freshmen.
17 And we were going through rush. Jane had already gone through
18 rush and pledged Kappa Kappa Gamma, and I was in the middle of
19 fraternity rush. And we had a blind date going to a fraternity
20 rush party. And so I went by to pick her up, and I sure did
21 like what I met.

22 (Laughter)

23 MR. COPELAND: Did she? At first blush, did she, you
24 think?

25 JUDGE ALBRITTON: I think so. At least she's always

1 told me so.

2 (Laughter)

3 MR. COPELAND: Did y'all kind of meet like from that
4 first -- this is like the first week or so at the University?

5 JUDGE ALBRITTON: Yeah. This was the first week.
6 Yeah. We -- well, that first semester we were there, we dated
7 other people. But then after that -- and I'm not sure they do
8 this at colleges anymore anyway. We got pinned with my
9 fraternity pin the second semester. And I well remember being
10 taken down as a rite of passage and thrown in the fish pond in
11 front of the Sigma Nu House.

12 MR. COPELAND: Yeah.

13 JUDGE ALBRITTON: And we've been together ever since.
14 It will be 58 years in June.

15 MR. COPELAND: Great. And, Judge, then from the
16 University, as I understand from what we talked about, you kind
17 of went -- there was a deal you could go three years to
18 University and then straight on to law school?

19 JUDGE ALBRITTON: That's right. You could go three
20 years in undergraduate school if you took -- included prescribed
21 courses in it, and then you could go to law school. And after
22 your first semester in law school, you got your undergraduate
23 degree.

24 MR. COPELAND: Right.

25 JUDGE ALBRITTON: And then your law degree after you

1 finished that.

2 MR. COPELAND: I know that you said your granddaddy and
3 your daddy were lawyers. Why did you really want to be a
4 lawyer? Was there some moment that you knew?

5 JUDGE ALBRITTON: Well, I had always -- I grew up in a
6 lawyer family with my father and two uncles being a lawyer. And
7 I was never pushed to go to law school. I just grew up knowing
8 what -- kind of feeling like that's what you did, you know.

9 MR. COPELAND: Yeah.

10 JUDGE ALBRITTON: And so I remember a time back when my
11 father was working real hard at night with stuff spread out all
12 over the dining room table where he was working, coming in at
13 night and books and papers and all stacked all over. And
14 finally -- I was pretty young then. But finally I asked him
15 what he was doing.

16 And he said, well, he was working on a case that he --
17 that he had been appointed to represent a man, that the Judge
18 had appointed him to represent a man who had chased his wife
19 around the house three times and shot her with a shotgun and
20 killed her. And I said, "Why are you representing him?"

21 And he said, "Well, I was appointed by the Judge to do
22 that."

23 And I said, "Well, you're working in the office in the
24 day, and every night I see you here and all. Why -- why are
25 you -- why are you working so hard for this person?"

1 And he just said, "Because I'm a lawyer."

2 Well, that meant a lot to me, and it still does.

3 MR. COPELAND: So that was kind of your Atticus Finch
4 type moment.

5 JUDGE ALBRITTON: Yeah. I would say so.

6 MR. COPELAND: Did -- well, how did you in law school?

7 JUDGE ALBRITTON: I did all right.

8 (Laughter)

9 MR. COPELAND: Let me try to get it this way. What is
10 the class that you liked the best?

11 JUDGE ALBRITTON: I liked Torts the best.

12 MR. COPELAND: Okay. But what -- that's a setup for
13 this question. What is the class you liked the least?

14 JUDGE ALBRITTON: I want everybody to know that I've
15 learned a lot more about this subject than I did when I took the
16 final exam in Agency. And I made a C in Agency. And that's the
17 only time I did that. But -- and I've learned a lot about it
18 since, I assure you.

19 (Laughter)

20 MR. COPELAND: And who was your teacher?

21 JUDGE ALBRITTON: Professor Cohen.

22 MR. COPELAND: Glad to see that you don't bear a grudge
23 after all these years on that. And then as I understand it,
24 that like high school, like college, where you were ODK and
25 Jasons, you were number two in your class at Alabama.

1 JUDGE ALBRITTON: That's true.

2 MR. COPELAND: But for the C, you'd be number one.

3 JUDGE ALBRITTON: Yeah, Professor Cohen.

4 (Laughter)

5 MR. COPELAND: So were you and Jane married while you
6 were in school?

7 JUDGE ALBRITTON: Yes, we were. And Jane went -- we
8 got married while I was a freshman. And after -- we got married
9 in June after I had started law school. And right after we got
10 married, I went off to Fort Benning to six weeks ROTC summer
11 camp, and she went back to stay with her mother. And then we
12 started out in student housing at the University of Alabama.
13 And she graduated and had a teaching certificate, and she taught
14 school and helped send me through law school.

15 MR. COPELAND: Where? Do you remember the name where
16 she taught?

17 JUDGE ALBRITTON: She taught at Brookwood High School,
18 which was out in the county.

19 MR. COPELAND: And taught English; is that right?

20 MRS. ALBRITTON: I exposed them to English.

21 JUDGE ALBRITTON: Well, she taught English, but also
22 taught another --

23 MR. COPELAND: What?

24 MRS. ALBRITTON: I exposed them to English.

25 (Laughter)

1 MR. COPELAND: Oh.

2 JUDGE ALBRITTON: She taught another class too. That
3 was right after we had gotten married in June. She started
4 teaching the following year. And this was in a section of the
5 county where they had a lot of people who look a long time to
6 get through school. And she had a lot of great big boys in her
7 classes. And they assigned her to teach marriage and family
8 relations (laughter). That's the most memorable class that she
9 taught, to me.

10 MR. COPELAND: I guess you're saying that they may have
11 known more than -- these old students.

12 JUDGE ALBRITTON: She wondered about that.

13 MR. COPELAND: Yeah. And then, Judge, so you
14 graduated. But before you kind of can begin your private
15 practice, you went in the military.

16 JUDGE ALBRITTON: Right. When -- I had an Army
17 infantry commission through ROTC. And then I was deferred
18 through -- at that time, we had the draft -- and was deferred
19 through law school and then branch-transferred into the Judge
20 Advocate General Corps.

21 We had had our oldest son, Hal, while we were in law
22 school, and he was a baby. We went up to -- first went to
23 Huntsville to --

24 MR. COPELAND: Well, let me go back. Let me go back.
25 So like your senior year, you were -- we got you were married,

1 but Hal had been born; right?

2 JUDGE ALBRITTON: He was born in March. And I
3 graduated in August, that summer.

4 MR. COPELAND: Okay. Go ahead.

5 JUDGE ALBRITTON: So we took him with us and went into
6 the Army and went to Judge Advocate General School at the
7 University of Virginia for three months and then headed out to
8 the middle of Texas, to Fort Hood, Texas, and were there for a
9 year and a half.

10 MR. COPELAND: Cooler climate.

11 JUDGE ALBRITTON: Yeah. Could be. They had Blue
12 Northers that blew in and dropped them quickly. And our second
13 son, Ben, was born while we were in the Army.

14 MR. COPELAND: What type of legal work did you do?

15 JUDGE ALBRITTON: We had -- we were with the post Judge
16 Advocate General's Office and didn't have too many lawyers in
17 that. But the two younger ones -- we both graduated from JAG
18 school at the same time -- got out there. And they would have
19 us doing general courts-martial. And one of us would prosecute
20 for six months while the other one defended for six months, and
21 then we'd swap sides. So we got in a lot of -- a lot of trial
22 experience.

23 MR. COPELAND: Right.

24 JUDGE ALBRITTON: Also did some office work, counseling
25 with soldiers who came in for various things, wills or other

1 things.

2 MR. COPELAND: Do you remember any particular case?

3 JUDGE ALBRITTON: I remember one in particular, because
4 it was if not the first, it was one of the very first I tried
5 out there. And I was assigned to be defense counsel. And they
6 had -- my client was charged -- was in the stockade, and he was
7 charged with desertion, which is a serious offense in the
8 military. I went and talked with him and found out he had been
9 there in the stockade for 11 months and had just been charged.

10 So having just come out of law school and just come out
11 of JAG school, I said, "Ah-hah. He hasn't been given a speedy
12 trial." Well, the military didn't have a Speedy Trial Act as
13 such, but the Constitution still prevailed and even applied to
14 the military. So I filed a motion to dismiss for failure to
15 give him a speedy trial.

16 MR. COPELAND: That made you popular with the
17 prosecution.

18 JUDGE ALBRITTON: It made me real popular with my
19 superiors in the office. So I -- anyway, we went over and
20 argued that. And I had researched it and had a lot of case law
21 and whatever. And the military judge granted the motion and
22 dismissed all charges against my client and told him he could go
23 by and pick up his things and go to a barracks.

24 I sat down with him before we left, and I had a long
25 talk with him. I said, "Now, you --" things like, "You know,

1 you've been given a second chance in life. This can wipe out
2 everything that's been happening in the past and give you a good
3 chance to straighten up and have a good life in the future."

4 And he said, "Yes, sir. That's what I'm going to do."

5 So I came home that night, and I saw Jane. And I said,
6 "You know, I have just gotten a person who was guilty off
7 because they didn't give him a speedy trial. It was on a
8 technicality. But I had a long talk with him, and I can feel
9 good about this tonight because he's got a new start on life.
10 And he's going to straighten up and make something of himself."

11 So I came in the next morning, and one of my superiors
12 met me at the door. And he said, "Well, Lieutenant Albritton,
13 have you heard about your client?" (Laughter)

14 And I said, "No. No, sir, I haven't."

15 And he said, "Well, seems that he went back to the
16 barracks and he told everybody there that he had a sharp lawyer
17 who had just gotten him off from murder," and said, "He was
18 bragging about it. And then everybody left to go to the chow
19 hall for supper, and he stayed behind. When they got back, he
20 had cleaned out lockers all over the place, stolen half the
21 stuff in the barracks, and was gone." (Laughter)

22 So I don't know. That was my first taste. Kind of
23 disillusioning for a young lawyer.

24 MR. COPELAND: So how long did you do the JAG Corps
25 before you were clear to begin your private practice?

1 JUDGE ALBRITTON: I was in for two years and then came
2 back to Andalusia and into the family law firm there.

3 MR. COPELAND: And did you, Judge -- right before you
4 were about to come, you know your time is up. Did you think
5 about going someplace other than Andalusia?

6 JUDGE ALBRITTON: I had an opportunity to go to
7 Birmingham with a major firm there. But Jane and I thought
8 about it and talked about it a lot. And --

9 MR. COPELAND: And Jane was from where originally?

10 JUDGE ALBRITTON: She was from Tuscumbia.

11 MR. COPELAND: Right.

12 JUDGE ALBRITTON: Up at the north end of the state.
13 And I was from the south end of the state. And we talked about
14 it a lot. I had an opportunity to go with a large law firm. It
15 was too big for me. I didn't want to practice with a huge firm,
16 and it was too huge. It was the biggest in the state. They had
17 40 lawyers, and that was far too many for me to want to practice
18 with. So I had an offer of \$450 a month there, but we came back
19 to Andalusia for \$400 a month.

20 MR. COPELAND: I'd say your daddy paid you pretty good
21 on that scale. Did you negotiate with him on that \$400?

22 JUDGE ALBRITTON: No. (Laughter) I just took what was
23 offered.

24 MR. COPELAND: Tell us -- so you come back. Two
25 children now?

1 JUDGE ALBRITTON: Right.

2 MR. COPELAND: Two children. You come back. Did y'all
3 immediately get a house?

4 JUDGE ALBRITTON: We rented a house for a while. But
5 my mother and father had a little house that had one bedroom in
6 it that was one that they had lived in when they first were
7 married and first back living in Andalusia. And it had been a
8 rental house. And they gave us that house as a wedding present.
9 It had gotten in bad shape. And so we rented and then added on
10 to the house and moved in the next year.

11 MR. COPELAND: And then so you start. And when you
12 started, tell us just a little bit -- how many -- for those
13 that -- you said this earlier. It was one circuit lawyer. That
14 was one judge, a circuit being one county as opposed to a judge
15 having two or three counties. So there was one circuit judge --

16 JUDGE ALBRITTON: At that time there was one circuit
17 judge. Yeah.

18 MR. COPELAND: -- and one probate judge. Right. And
19 how many lawyers in Covington County then, about?

20 JUDGE ALBRITTON: Maybe 30.

21 MR. COPELAND: Yeah. Did you know --

22 JUDGE ALBRITTON: Twenty-five, thirty.

23 MR. COPELAND: Did you kind of -- even though you had
24 just moved there, did you kind of know most the lawyers or at
25 least their names or families?

1 JUDGE ALBRITTON: I knew most of them. There were some
2 who had been there. Some were practicing with their father and
3 that type thing.

4 MR. COPELAND: And what part of -- then, I think there
5 was your daddy, your uncle, Mr. Rankin, and did you have another
6 uncle at that time?

7 JUDGE ALBRITTON: I had two uncles.

8 MR. COPELAND: Two uncles. And what kind of area did
9 you start out in?

10 JUDGE ALBRITTON: The idea when I came back was that
11 they wanted me to underpin my uncle, who was a transactional
12 lawyer and one of the early tax practitioners in the state. And
13 the firm -- there were five members of the firm. I was the
14 fifth one. And they had a practice all over that part of the
15 state and Northwest Florida. They had clients who had been
16 clients of their father and --

17 MR. COPELAND: Right.

18 JUDGE ALBRITTON: -- and their grandfather.

19 MR. COPELAND: Right.

20 JUDGE ALBRITTON: And still were clients. And some
21 turned out to be later clients of mine. So -- and the major
22 industry there in Andalusia was a shirt factory called Alatex.
23 They had plants in five cities. And the firm represented them.
24 And one of my uncles was on the --

25 MR. COPELAND: Board?

1 JUDGE ALBRITTON: -- was general counsel for them, and
2 my father was on the board of directors. So I was expected to
3 work with them a lot. And I did start working under my uncle
4 with a lot of transactional and tax work. But I started doing
5 some trial work also, and I really liked the trial work.

6 MR. COPELAND: Did not like the transactional work?

7 JUDGE ALBRITTON: I wasn't cut out for being that. My
8 uncle told me, said, "You have to understand. You have to get
9 your mind right on practicing tax law. It's not really law.
10 It's higher metaphysics." (Laughter) So anyway, I never did
11 get there.

12 MR. COPELAND: Did you have -- was there any uncle --
13 were you closer to one uncle than the other?

14 JUDGE ALBRITTON: Well, I was close to both of them,
15 but I guess I was particularly closer to my Uncle Bill
16 Albritton, because I was named for him. His name was William
17 Harold Jr., and my parents named me William Harold III. He
18 named his son after my father, Robert Bynam Albritton.

19 MR. COPELAND: Right.

20 JUDGE ALBRITTON: Confused people. And still does.

21 (Laughter)

22 MR. COPELAND: When you first started working with your
23 daddy, was it kind of as you envisioned it? Was it hard or was
24 it easier or -- or was it just very natural?

25 JUDGE ALBRITTON: Well, it got along fine. I had been

1 practicing law a little bit, so I --

2 MR. COPELAND: Right.

3 JUDGE ALBRITTON: -- in the military, so I knew kind of
4 what it was. And I had been around my uncles and my father and
5 Mr. Rankin a lot, so I kind of just fit right in.

6 MR. COPELAND: And how far was -- just a frame of
7 reference, your office was on the square?

8 JUDGE ALBRITTON: It was right off the square. It
9 was -- it was a block off the square. They -- Andalusia is the
10 county seat. It has a square down there and has a big, pretty
11 courthouse. The courthouse was designed by the same architect
12 that did our old building, the old courthouse here in Montgomery
13 that we're attached to.

14 MR. COPELAND: The federal courthouse.

15 JUDGE ALBRITTON: Federal courthouse. Yeah. The firm
16 had been in a building that is the skyscraper in Andalusia. I
17 think it's six floors, six or seven floors. It had an elevator
18 in it. And the firm had been there for years, but they had
19 built a new building right off the square. And I came back just
20 after they moved into that building.

21 MR. COPELAND: And how far was your home where you and
22 Jane were living?

23 JUDGE ALBRITTON: About a couple of miles.

24 MR. COPELAND: Okay.

25 JUDGE ALBRITTON: I'd come home for lunch every day --

1 MR. COPELAND: Like your dad. Yeah.

2 JUDGE ALBRITTON: -- except going to Rotary Club on
3 Tuesdays.

4 (Laughter)

5 MR. COPELAND: Do you remember your first -- your first
6 kind of "case" case? Not corporate case. I'm talking about
7 where you've got a client. Courtroom type case.

8 JUDGE ALBRITTON: I remember it well because I lost it
9 (laughter). It was -- back then in law practice, I guess all
10 over, young lawyers cut their teeth on trying slip-and-fall
11 cases and whiplash injury cases and car wrecks. And the firm
12 turned over to me a case where a person had slipped and fallen
13 in a store there.

14 MR. COPELAND: On the defense side.

15 JUDGE ALBRITTON: In Andalusia. Yeah. On the defense.

16 MR. COPELAND: I mean y'all probably -- let me
17 interrupt you.

18 JUDGE ALBRITTON: Yes.

19 MR. COPELAND: Y'all primarily did defense work?

20 JUDGE ALBRITTON: Mostly. Some -- some plaintiff's,
21 but --

22 MR. COPELAND: Go ahead.

23 JUDGE ALBRITTON: -- more or less defense work. So I
24 went over and tried that case. And at that time, you didn't
25 take a hundred depositions and go through all this. You pretty

1 much -- if the injuries weren't just gigantic, you talked about
2 the cases and went over and tried the cases --

3 MR. COPELAND: This would be the file (demonstrating).

4 JUDGE ALBRITTON: Yeah. That's right. Well, anyway, I
5 went over and tried that case and thought I had it made. The
6 jury came back for the plaintiff. I came back to the office
7 with my tail tucked between my legs. And they said, "How did
8 you do?"

9 And I said, "I lost."

10 And they said, "Well, I'm sorry."

11 I said, "Yeah. They gave the plaintiff \$1500."

12 And they said, "Good gosh, Son, that was a win. You
13 should be happy about that, holding the verdict down to that."

14 And I said, "Well, I wasn't happy about it." And I'm
15 still not.

16 (Laughter)

17 MR. COPELAND: What -- you know, one of the things when
18 you were talking about moving your law practice just from our
19 prior conversation, who had the -- in the county, who had the
20 law library? Did the county have a law library?

21 JUDGE ALBRITTON: The county had a few books there.
22 But we had -- of course, understand, back then, you didn't have
23 electronic --

24 MR. COPELAND: Right.

25 JUDGE ALBRITTON: -- research and all of that. So we

1 did -- our firm had always done a lot of corporate work and
2 represented existing corporations and forming new corporations
3 and all kind of things like that, so they'd always felt like
4 having a law library was essential. And we had a big library
5 and spent a lot of money on keeping up a big law library.

6 MR. COPELAND: Yeah. And that was an expense.

7 JUDGE ALBRITTON: It was a big expense.

8 MR. COPELAND: Would y'all open it up? Was the
9 Albritton library kind of the county's law library?

10 JUDGE ALBRITTON: We were happy for any of other
11 lawyers to come over and use books, and they did from time to
12 time.

13 MR. COPELAND: Yeah. Talk -- because it's changed so
14 much -- a little bit. As your practice grew, first talk about
15 the trial terms in, say, Covington County. And then I think
16 we'll talk about how your practice grew like that. Like there
17 would be a trial term twice a year, four times?

18 JUDGE ALBRITTON: Well, I think when we started off, we
19 had trial terms in Covington County three times a year for a
20 week or two. And then the other counties we practiced in down
21 there were the same sometimes. Sometimes they'd just have two a
22 year.

23 When I first came in, in the practice, it was -- it was
24 real different. They showed me my office. They told me who my
25 secretary was. I had -- just brand new, but I had my own

1 secretary. They gave me a Dictaphone machine which at that time
2 had a thin, wide plastic belt that you slipped over a thing here
3 and you talked into the microphone and it made grooves, and then
4 you would take it out and give it to your secretary.

5 MR. COPELAND: I don't think they've see it.

6 (Laughter)

7 JUDGE ALBRITTON: No. I haven't seen one in a while.
8 Later on, we moved up to sliding in a disk or a cartridge, I
9 believe it was. Anyway, we kept on doing that. But we had --
10 we didn't have any -- any computers or anything like that.

11 I remember -- in fact, I remember the first fax machine
12 that we got. My uncle who did the tax and transactional work
13 was working on a matter with a big firm in Chicago, and it was
14 kind of a major thing. And he came in and told the rest of us
15 that -- he said, "They've got a thing now that will really help
16 us. It's a -- it's a machine that goes through the telephone
17 wires. And it's called a facsimile machine. And you can -- you
18 can do a document and put it on this thing and send it to
19 somebody, and they have it. And you can actually make changes
20 and look at them and send it." And so we got a fax machine.

21 And he was thrilled with it, because they could -- he
22 would get their version of it. He would red-line it and change
23 it around, and then he'd put it -- his secretary put it -- he
24 hardly knew how to use a telephone (laughter). But the
25 secretary would put it in the fax machine and send it up there,

1 and they'd get it. Then they'd do some marking up, and they'd
2 send it back. And it was a marvel. And I think we were the
3 first -- I'm sure we were the first law firm that had a fax
4 machine. We were one of the few people in town, I think, right
5 then that had one.

6 MR. COPELAND: How did y'all set your fees?

7 JUDGE ALBRITTON: Fee setting then was really different
8 from the way it turned out later. One thing we had, the county
9 bar association had a little fee schedule that told you how much
10 to charge for a deed, how much to charge for a simple will, how
11 much to charge for these various things. And everybody just
12 went by the fee schedule. It later was determined, probably by
13 some federal judge (laughter), that that was not legal to set
14 fees like that. So we did away with that.

15 But I remember when -- I was practicing law when the
16 billable hour first came into prominence. And I remember that
17 very well. Back -- there was a fellow named Morgan from Texas.
18 He was a lawyer from Texas. And he had written an article, and
19 he was giving talks with bar associations all over the country
20 and was real involved with the American Bar Association. And
21 the name of the article and the name of his talk was "Waltzing
22 Fees Into the Twentieth Century."

23 And what he was talking about was he said lawyers are
24 selling their -- all they have to sell so cheaply that they're
25 really not making an adequate amount. And the thing was, he

1 said, "If you keep up with the number of hours that you're
2 working on a matter and look at what you've charged, you'll
3 realize that you're making less an hour than many other people
4 just out running shops and things are making." And he was
5 urging lawyers to keep up with their time and to set a rate for
6 their time and to generally base fees, except for plaintiffs'
7 personal injury cases and other cases like that, based on a
8 schedule like that. So people started keeping billable hours
9 and arriving at a billable rate. And it did turn out that --
10 and this was not looked on, and I don't look at it now, as being
11 unfair to clients. It was being fair to yourselves and fair to
12 the clients.

13 And then it moved from there into where clients were
14 expecting that and then wanting you to itemize. And I remember
15 when that first started. You itemized what you did and how much
16 time that was and what your billable rate was, and you
17 negotiated all like that, except for my uncle, who was the tax
18 practitioner. And he refused to do it. He said, "I'm not about
19 to do that. I charge reasonable fees."

20 And he said -- and so he would continue all his
21 practice. When he'd get through with a matter, he would send
22 out "For Services Rendered," so much. And we tried to persuade
23 him that he was charging much too little, and he really was.

24 And he started having a couple clients kick about it,
25 because they weren't getting a breakdown. And he told them, he

1 said, "Look, if you don't trust me enough to know that what I'm
2 billing you for is a reasonable charge, then you need to go to
3 another lawyer." And we had one client who was a pretty good
4 client that took him up on it (laughter). But that didn't
5 change his way of billing.

6 You know, at that same time, on the plaintiff's side, I
7 remember then that Melvin Belli --

8 MR. COPELAND: Right.

9 JUDGE ALBRITTON: -- a lawyer back then, was giving
10 lectures and writing books and everything about the adequate
11 award. And he was in the forefront of saying that verdicts are
12 too low because you're just talking to jurors and you're not
13 using demonstrative evidence. He was in the forefront of the
14 use of demonstrative evidence. When you show people something,
15 it means a lot more than when you just tell them about it.

16 MR. COPELAND: Right.

17 JUDGE ALBRITTON: And it did have the effect of
18 increasing fees and, of course -- I mean increasing verdicts.
19 And plaintiff's lawyers at that time were charging contingent
20 fees, just as now.

21 MR. COPELAND: What was your -- in your kind of heyday
22 of your practice, we've gotten that it's kind of defense work.
23 But what type of defense work?

24 JUDGE ALBRITTON: Well, I want to tell about one --
25 kind of early in my trial practice, fairly early in it, a case

1 that I really always remember. And it's something that was real
2 special.

3 There was a case over in -- I practiced in all the
4 counties around, and there was a case over in Ozark. There was
5 a will contest, and a second wife was the beneficiary under a
6 will. And the children from the first wife were suing to --
7 they were contesting the will. It had been tried once over
8 there, and it had been a verdict for the plaintiffs and the will
9 was set aside. But it was appealed, and the Supreme Court of
10 Alabama reversed it, sent it back for a new trial. And the
11 lawyer for the second wife, to uphold the will -- the lawyer
12 died.

13 So she came over and talked to my father about the
14 case, and he asked me to take it over. And I had tried some
15 cases, but not a lot. So he sent me over to Ozark to try this
16 case. I was kind of intimidated about it, because the lawyer on
17 the other side was from Montgomery and was a -- I didn't know
18 him personally, but I know he had a reputation for being a
19 top-notch trial lawyer. And I went over there, and we tried the
20 case for about three days. And anyway, the jury came back and
21 came back in favor of the defendant and upheld the will.

22 MR. COPELAND: That would be you.

23 JUDGE ALBRITTON: That would be me.

24 And that was good, but that's not what the most
25 memorable thing about it is. The most memorable thing happened

1 the next morning when the mail came and I had a note sent from
2 Montgomery. And I opened it -- in the morning mail. I opened
3 it, and it said, "Dear Harold. Congratulations on your win in
4 the case in Ozark. It was a hard-fought trial. You're going to
5 be a very fine trial lawyer. Congratulations. With warmest
6 regards, Albert Copeland."

7 That was your daddy (laughter). And I'll tell you,
8 that was an example of professionalism that I remember much more
9 than the details of the trial, and it was a beautiful thing to
10 happen.

11 MR. COPELAND: I didn't know that.

12 JUDGE ALBRITTON: He was a top-notch lawyer.

13 MR. COPELAND: Did you ever try any criminal cases? I
14 mean, were you ever appointed to any criminal case that was
15 tried, any criminal cases?

16 JUDGE ALBRITTON: Yeah. I -- very few. Mostly by
17 appointment. I had one that was a business client of ours who
18 was a pharmacist, owned a drugstore. And this was a bizarre
19 case. He was sued by another pharmacist who claimed he tried to
20 ruin his practice by slipping poison into a prescription and
21 sending it by UPS.

22 And anyway, a long story. But anyway, the civil case
23 was tried over in Elba. And I represented him because he was a
24 corporate client and his insurance company was also in the case.
25 And we tried it for a good long time, and it ended up with a

1 hung jury. And after that, the insurance company insisted on
2 settling the case. And we objected to their settlement, because
3 he said it would --

4 MR. COPELAND: Hurt him.

5 JUDGE ALBRITTON: He didn't -- yeah. It would hurt
6 him. And he didn't want it. But they settled it anyway, and he
7 didn't have any way to stop them.

8 So then he was indicted, and so I defended him in that.
9 And I had not done a lot of trial work, so I had -- Maury Smith
10 from here in Montgomery was kind of behind the scenes helping me
11 with --

12 MR. COPELAND: With the criminal aspect.

13 JUDGE ALBRITTON: -- with things, yeah, on the
14 telephone and all, but not there.

15 Paul Harvey -- I don't -- some people will remember
16 Paul Harvey. Some won't. But he had a news broadcast every
17 day.

18 MR. COPELAND: On the radio.

19 JUDGE ALBRITTON: It was very popular on the radio.
20 And he had one where he mentioned -- he said this druggist is
21 charged and going to be tried for putting poison in a child's
22 prescription and about how horrible it was.

23 So anyway, we tried the case. And at the end of it, I
24 thought -- I thought we had a -- I thought we were going to win
25 the case. By the end of it, I asked the jury, I said, "This

1 man's reputation needs to be cleared. And the quickest you come
2 out of that jury room, the quickest -- the best it will be for
3 his reputation. I'm going to ask you to get a foreman, turn
4 around, and come back." And they did. They came back -- it
5 took them about -- less than ten minutes to come back out and
6 find him not guilty.

7 MR. COPELAND: Good night.

8 JUDGE ALBRITTON: So I sent a letter to Paul Harvey. I
9 had had him down to speak to the Chamber of Commerce at the
10 annual meeting one -- about a year before. Not that we were
11 friends, but I just felt okay to write him. And I did.

12 And he had a thing back then that he called "The Rest
13 of the Story" and wrote a book called that too. And that was
14 one story, but then this is the way it ended. And I told him
15 how that one ended. And I said, "You owe it to him to say
16 that." So he came on the radio and reported on that.

17 MR. COPELAND: Finished it off.

18 JUDGE ALBRITTON: So that made me feel good.

19 MR. COPELAND: Yeah. What was the case that -- I
20 assume you traveled a bunch, I know you did in state, kind of
21 defending cases. What about out of state?

22 JUDGE ALBRITTON: I didn't try cases out of state. I
23 went around the country a lot on depositions and all this sort
24 of thing, but --

25 MR. COPELAND: Where is the furthest you went?

1 JUDGE ALBRITTON: Well, I went -- went to a lot of -- a
2 lot of states. I guess probably the most time I spent away
3 somewhere would have been in California. I got involved in a
4 case in the movie industry out there that was a real interesting
5 case.

6 MR. COPELAND: What was that about?

7 JUDGE ALBRITTON: Hal was back in law practice -- my
8 oldest son -- back in law practice with me then, and he helped
9 me a lot on this one. But yeah. The corporation that had been
10 Republic Pictures that used to make the Gene Autry and Roy
11 Rogers movies and those kind of things had done some work with a
12 local group from Covington County that had put together and were
13 producing and putting out a movie. And the movie had been a
14 very popular movie back then of Clint Eastwood called *The Outlaw*
15 *Josey Wales*.

16 MR. COPELAND: Right.

17 JUDGE ALBRITTON: Most people have heard of that.
18 Well, this was a movie that some local people put together
19 called *The Return of Josey Wales*.

20 MR. COPELAND: In Andalusia?

21 JUDGE ALBRITTON: Red Level, actually (laughter).
22 Right next door to Andalusia. But anyway, they -- this company
23 from out there in California filed suit against them for about
24 \$10,000, I think, for some work they had done and hadn't gotten
25 paid. And they filed it in Mobile. And so the -- the

1 defendants, local defendants there in Covington County, got a
2 change of venue to Covington County and countersued for \$10
3 million for keeping them from making any money on the --

4 MR. COPELAND: On the Josey Wales movie.

5 JUDGE ALBRITTON: -- on the show. And they claimed
6 that they had held it up from getting into previews and all over
7 this fuss over \$10,000. Well, anyway, the company called me and
8 asked me to take over the case up there in Covington County, and
9 I did.

10 And we had -- it was quite interesting. We spent
11 several trips out to California and taking depositions and doing
12 other things. I was shown through all the techniques of making
13 movies and enjoyed that. And --

14 MR. COPELAND: What happened with the verdict?

15 JUDGE ALBRITTON: Well, we got back -- it tried for
16 about a week and a half. And their theory was that if it had
17 gotten into previews, they would have been able to get it out
18 earlier and make a lot of money on it, because it was this great
19 movie, but that we held them up for getting in this by fussing
20 over this \$10,000.

21 So toward the end of the case, I had made arrangements
22 with one movie theater in Andalusia that was right next to the
23 courthouse. And I had made arrangements with the people over
24 there to let us show the movie if the judge would allow it. So
25 I stood up and said, "Your Honor, we've got one other thing we'd

1 like to submit, and that's the movie. And we'd like to adjourn
2 to the Martin Theater to see *The Return of Josey Wales*."

3 And his -- the lawyers objected (laughter). They said,
4 "We've been here --"

5 MR. COPELAND: This was going to be the \$10 million
6 movie.

7 JUDGE ALBRITTON: "We've been here a week and a half,
8 and everybody's tired. And everybody knows all about the facts
9 of this case. It's irrelevant to see the movie."

10 I said, "Judge, the whole thing is about this movie. I
11 think the jury ought to be able to see it."

12 And he said, "Well, I think so too." (Laughter)

13 So we went over, traipsed over next door to the movie
14 theater and saw the movie. And it really was a bomb (laughter).

15 But we came back. And anyway, the jury was out for a
16 long time, but they -- so I didn't win that one. They ruled --
17 I tried to keep away from that \$10,000 we were claiming, but
18 they found against us on that, that we weren't entitled to that.
19 They held for the plaintiff -- I mean the counter plaintiffs for
20 something like \$75,000 or a \$100,000.

21 MR. COPELAND: That's like the \$1500.

22 JUDGE ALBRITTON: That's kind of like that \$1500.

23 MR. COPELAND: Yeah.

24 (Laughter)

25 JUDGE ALBRITTON: But back in -- talking about

1 technology, like we were talking about a little earlier, you
2 know, we didn't have -- I remember when computers first came
3 into being, and we got the first thing. It was a huge thing.
4 It was called -- I think it was called an MT/ST machine or
5 something like that. It had cards you put in it with little
6 dots --

7 MR. COPELAND: Right.

8 JUDGE ALBRITTON: -- that you could make forms with.
9 And we got that, and the secretaries went berserk and were mad
10 at us and all. And they didn't like it and we didn't know what
11 to do with it, so it wasn't much use.

12 But we had a -- I was active in the State Bar, and we
13 had a lawyer come down -- a person come down to give a talk at
14 the Covington County Bar Association about technology and
15 about -- he was in charge of professional responsibility.

16 MR. COPELAND: Right.

17 JUDGE ALBRITTON: And he came down, and I remember one
18 of the things he said that just made everybody think he was
19 crazy. He said, "I want to tell you, in five years, every
20 lawyer in this room is going to have a computer on your desk.
21 And every lawyer in this room is going to have access to court
22 opinions immediately that you'll be able to research. And you
23 will not be able to wait until you get the advance sheets, two
24 months later or whatever, on the law. If something happened the
25 day before and you didn't pick it up, you're going to be subject

1 to being sued for not knowing this development in the law." And
2 everybody scoffed at that.

3 Well, my son Hal, who was practicing with me then, got
4 a computer and had a computer on his desk and was using it. But
5 I had started getting put out about, one thing, thinking he was
6 wasting time. And I -- and finally, I got to him, and I said,
7 "Son, you're taking up too much time. We've got experienced,
8 really valuable secretaries who are here who do the typing."

9 MR. COPELAND: He was typing his own stuff.

10 JUDGE ALBRITTON: "And what you do is you pick up the
11 microphone and you dictate into it. And then you give the thing
12 to your secretary, and she types it up. And you get it back,
13 and you take a lead pencil --"

14 MR. COPELAND: "Don't you understand this?" Yeah.

15 JUDGE ALBRITTON: "-- and you change things around and
16 all. And then you give it back, let her do that work while
17 you're doing --"

18 He said, "I can do this --" I couldn't type. I never
19 knew how to type, but he did. He said, "I can do this a lot
20 faster than I can do what you're talking about."

21 And I said, "Well, okay. You go ahead." And so he
22 did.

23 MR. COPELAND: And he was right.

24 JUDGE ALBRITTON: But I don't think anybody else in the
25 firm ever started doing that until --

1 MR. COPELAND: I heard that one of your clerks -- like
2 you had been here for two years. They gave you a dust cover for
3 your computer because it wasn't exactly used a bunch (laughter).
4 I don't know if that's really true or not.

5 JUDGE ALBRITTON: Well, that is true (laughter). After
6 about two -- in fact, Elna has the proof of it. She started a
7 scrapbook for me back --

8 Elna came with me when I came here. She was -- and I
9 think she worked for your daddy as her first job. But she came
10 here with me when I came here, because I was looking for a
11 secretary who knew lawyers instead of somebody who had worked
12 with a judge. And she had worked for lawyers for a long time,
13 and so she's been with me ever since.

14 But she started this scrapbook, and she's got a picture
15 in there of me sitting there with a dust cover in the background
16 on my computer. But I use it now, somewhat.

17 (Laughter)

18 MR. COPELAND: Well, before today, I was -- you were
19 texting your one grandchild or trying to text.

20 JUDGE ALBRITTON: Yep, I was. In fact, she has come in
21 now. I think I told everybody that they were stuck behind a
22 wreck on I-65.

23 MR. COPELAND: You know, Judge, but it's a little
24 funny. Not being -- I know getting appointed to the federal
25 bench. But with all of those Albrittons in Andalusia, all of

1 your daddy's ten relatives -- I mean ten brothers and sisters,
2 your granddaddy, your daddy, your uncle, did you ever think
3 about running as a -- like for a state court judge? Or did any
4 of the Albrittons think about running for a state court judge?

5 JUDGE ALBRITTON: No. No, never did do that. I
6 enjoyed being a lawyer --

7 MR. COPELAND: Right.

8 JUDGE ALBRITTON: -- too much to do that. And I was
9 for 30 years before this opportunity came, which has been a
10 wonderful thing for me. It came at a good time with an empty
11 nest. My sons were -- one married and two in -- well, they were
12 all away and in school.

13 MR. COPELAND: Right. Well, when you were talking
14 about the technology, how did you -- for your briefs? Would you
15 dictate your briefs? Would you handwrite them?

16 JUDGE ALBRITTON: I usually used a legal pad and
17 scratched out things on that. And then I'd pick up the
18 Dictaphone, the microphone, and dictate it and get it back.

19 MR. COPELAND: Right. Transcribed. What about opening
20 statements, closing arguments?

21 JUDGE ALBRITTON: Opening statements and closing
22 argument, I didn't write out word for word. But I would think
23 long and hard about them. I'd make notes, general ideas. And
24 I'd usually -- I'd usually try those out on my sounding board.
25 And the person who was my "every man" was Jane. And when I'd

1 come home, I'd try out an opening statement or a closing
2 argument --

3 MR. COPELAND: Right.

4 JUDGE ALBRITTON: -- generally on her, and she would
5 tell me what worked and what didn't work (laughter). And she
6 was a valuable asset.

7 MR. COPELAND: Useful. Isn't it funny, though -- I
8 mean, I do the same. But isn't it funny the things you think
9 are going to work the best don't really pass the test?

10 JUDGE ALBRITTON: That's right. And there would be
11 things that she would say, "I wouldn't say that."

12 (Laughter)

13 CAMERAMAN: One second, please. I'm going to change
14 batteries. Just one second.

15 MR. COPELAND: Okay.

16 Well, we can talk about something. This doesn't have
17 to be recorded.

18 JUDGE THOMPSON: This is our commercial break.

19 (Laughter)

20 MR. COPELAND: Yeah.

21 (Brief pause)

22 JUDGE ALBRITTON: While we're on commercial break,
23 anybody can look out that window and see a commercial on that
24 billboard over there. That wasn't done when I was in practice
25 either.

1 (Laughter)

2 MR. COPELAND: It's a Shunnarah billboard right there
3 (laughter). Y'all didn't have something "Albritton, Albritton &
4 Albritton"?

5 CAMERAMAN: Anytime.

6 MR. COPELAND: Okay.

7 Judge, we were -- before the break, we were talking
8 about going over your closing and opening with your wife. Did
9 you talk with your kids much about your cases when you went
10 home? I'm not talking about confidences. I'm just talking
11 about --

12 JUDGE ALBRITTON: Yeah. Generally.

13 MR. COPELAND: Yeah. Right.

14 JUDGE ALBRITTON: About what I was doing and that sort
15 of thing. Yeah. I remember one time I'll tell you about at the
16 table at supper. That was another thing. Back then, in
17 Andalusia, we had breakfast at the table and supper at the table
18 together and all.

19 MR. COPELAND: Yeah.

20 JUDGE ALBRITTON: I came home and we were sitting there
21 at the supper table. And I said, "Well, I got a new case in
22 today. It's a -- it's a bad case. A man over in Evergreen got
23 his arm -- lost his arm in a meat grinder."

24 And my son Tom, who was kind of young at the time,
25 anyway, he spoke up and said, "I know. We're for the meat

1 grinder."

2 (Laughter)

3 MR. COPELAND: It's all that defense work, I'm telling
4 you. Did you ever have any kind of plaintiff's cases?

5 JUDGE ALBRITTON: Yeah. And I -- I had some. I had
6 one that was particularly a lot of fun. It was not too long
7 before I left the practice and came here. And that was -- I had
8 a bad-faith case, a jury case against an insurance company in
9 Andalusia, and got a million and a half dollar verdict. So for
10 me, that was a lot of fun.

11 MR. COPELAND: I hope you had that contingent fee
12 (laughter).

13 What other cases can you recall?

14 JUDGE ALBRITTON: I have a real good memory of the last
15 case I tried. The last case -- I did most all of the federal
16 practice for our firm, and I was involved in a lot of
17 pharmaceutical cases. I was -- this was not the last case I
18 tried. But early on, I got involved with representing a
19 pharmaceutical company, the Upjohn Company, now a part of one of
20 the others. But it was in the early days of products liability,
21 and a lawsuit had been filed involving a drug and a serious
22 injury in Andalusia. And they called me from Kalamazoo,
23 Michigan, wanted me to represent them, and I did. And we
24 removed the case up here and tried the case and got a defense
25 verdict.

1 So at that time, the general counsel for the company
2 was the only one that even did any trial work. The rest of it
3 was working Washington and all. So products liability work was
4 kind of new. So then it got to where it wasn't so new, and they
5 were involved in a number of cases. And I -- turned out he had
6 me represent him all over the state. And that was interesting
7 work.

8 But the last case that I tried -- and I don't want to
9 run out of too much time. But the last case that I tried was
10 here in federal court, and it was under Judge Thompson. He was
11 the judge.

12 MR. COPELAND: How did he do?

13 JUDGE ALBRITTON: He did great (laughter). Seriously.
14 My clients even talked about that. But they -- it was a case
15 where I represented a company out of Ida Grove, Iowa, that
16 manufactured model airplanes and model airplane fuel and a lot
17 of this. And they were sued by an Alabama company that was a
18 small company that -- they claimed that my client had stolen
19 their formula for model airplane fuel and a lot of other things.
20 Anyway, they were suing for a lot of money for various theories.
21 And we tried that case for about a week and a half. And we had
22 a -- in the hotel downtown -- it's the DoubleTree now. It was
23 the Madison or something back then.

24 MR. COPELAND: Yeah.

25 JUDGE ALBRITTON: We had a war room set up in between

1 two bedrooms. And we had people coming down -- had experts and
2 everybody else coming down. And that's -- the war room is where
3 we would go to strategize and to relax with a cup of coffee or
4 something in the afternoon (laughter) and talk to witnesses and
5 get prepared for the next day.

6 So they brought down some snacks for the war room. And
7 what they brought was a whole bunch of bags of Corn Nuts, which
8 I wasn't familiar with but was a big thing in the Midwest. So
9 they brought Corn Nuts, and I brought big packages of boiled
10 peanuts. So we had boiled peanuts and Corn Nuts.

11 But anyway, we tried the case. And seriously, Judge
12 Thompson, it was a pleasure to try the case under him. I didn't
13 win all of my points or anything, but we had a lawyer from
14 Nebraska who was down, personal lawyers for them, that was kind
15 of second-chairing. And he said he had never tried a case --
16 seen a case tried before a finer judge than Judge Thompson. And
17 I agreed with that. And we --

18 MR. COPELAND: I take it you won.

19 JUDGE ALBRITTON: I won the case. And that --

20 (Laughter)

21 MR. COPELAND: I was going to say, if he had gotten
22 killed, I'm not so sure (laughter). I'm not saying.

23 But just real quick, Judge, we've probably got time to
24 do -- there are a couple of points I want to get across, but I
25 want to hear one more story before I get into --

1 Trey, just give me -- humor me. Give me just a little
2 bit longer.

3 Just because I know the answer, were you ever sued?

4 JUDGE ALBRITTON: Well, that -- the answer is no, but
5 that requires an asterisk. We represented one of the banks in
6 Andalusia. And this was a real hard time in my practice. It
7 was right toward the end of the practice. My uncle had been on
8 the board of directors of that bank. And he died and I took his
9 place. I had been on the board of directors for two or three
10 years when it turned out that we had a rogue loan officer who
11 had made a huge amount of loans during a big thing of building
12 condominiums and stuff down on the coast that ended up going
13 bust. And when they went under, it turned out that there were a
14 lot of fraudulent loans.

15 MR. COPELAND: Loans.

16 JUDGE ALBRITTON: Bad papers, nothing to back them up
17 and everything, and the bank was taken over by the State. And
18 it ended up that First Alabama Bank at that time -- now Regions
19 Bank -- ended up buying from the State. But anyway, I was on
20 the board of directors, and I had been -- when that happened,
21 and I had also been asked to stay on as one of three by First
22 Alabama, Regions Bank --

23 MR. COPELAND: A successor.

24 JUDGE ALBRITTON: -- to continue on a board and work
25 with them.

1 But anyway, a stockholder suit was filed against the
2 board of directors on behalf of all stockholders and everything,
3 and they sued every director except me. And the lawyer who
4 filed the suit --

5 MR. COPELAND: This is right when you've been named as
6 the nominee for the bench?

7 JUDGE ALBRITTON: No. It wasn't when I had been named,
8 but I was -- I was one of the ones who was being considered.
9 Anyway, the plaintiff's lawyer didn't want to sue me because of
10 professional courtesy. And he -- and so I -- it was real
11 awkward for me to be sitting there like I was without being. So
12 I filed a -- I filed a motion to intervene as a defendant
13 (laughter). And I went home --

14 MR. COPELAND: That's a first, you realize.

15 JUDGE ALBRITTON: And I went home that night, and I
16 told Jane what I had done. And she said, "You what?"
17 (Laughter)

18 So anyway -- but, you know, I felt strongly and still
19 do. I was -- I was on the board just like everybody else and
20 should be. Anyway, it was pending, my motion to intervene as a
21 defendant, when I started being interviewed and going through
22 these kind of things. And Charlie Stakely represented the board
23 in the case. Top-notch trial lawyer. And we were very happy to
24 have him representing us -- or them. I wasn't in the case yet.
25 So anyway --

1 MR. COPELAND: Did you ever make it in as a defendant?

2 JUDGE ALBRITTON: No. It ended up -- and this was
3 before I went up for interviews, shortly before -- that the
4 judge denied my motion to intervene on the grounds that the
5 plaintiff had a right to sue whoever they wanted to.

6 (Laughter)

7 MR. COPELAND: Imagine that.

8 JUDGE ALBRITTON: And also, that I couldn't force
9 myself into the case. So anyway, then I went for interviews in
10 Washington. And I was asked the question you asked, if I had
11 ever been sued. So I told them what had happened. And they
12 said about what Jane said. "You what?" But anyway, I was open
13 about it and told them about it. Obviously, it didn't hurt.

14 MR. COPELAND: Judge, I know that you were active.
15 You've mentioned that you were president of the Bar, and I know
16 that you were active in the Bar. What about in Andalusia, in
17 the community?

18 JUDGE ALBRITTON: Well, most lawyers, as most lawyers
19 are now, I think, were involved in civic matters.

20 MR. COPELAND: Right.

21 JUDGE ALBRITTON: And so I got real involved. I was in
22 the Rotary Club, president of the Rotary Club. I was president
23 of the Chamber of Commerce. And --

24 MR. COPELAND: Your church?

25 JUDGE ALBRITTON: Yeah. I was in church and was an

1 officer in there. And I was on the board of directors of the
2 local hospital and a lot of things like that.

3 MR. COPELAND: Boy Scouts?

4 JUDGE ALBRITTON: Yeah. Well, I wasn't too involved
5 with the Boy Scouts after -- I was involved with the Cub Scouts
6 a lot as my children were coming up. By the time they were in
7 the Boy Scouts, I couldn't be a troop leader because I had
8 gotten really too involved in my law practice to do that. But I
9 was an Eagle Scout when I was -- back as a kid, and two of my
10 three sons were Eagles. My oldest son, Hal, was active in the
11 Boy Scouts and got to be a Life Scout, which is just under
12 Eagle, when -- what they say, the saying is, "The fumes got
13 him." That was perfume and gas fumes (laughter). And his
14 interests took a different direction.

15 (Laughter)

16 MR. COPELAND: Judge, I think that's about it. I
17 was -- unless you had some more, something you wanted to comment
18 on, chat about.

19 JUDGE ALBRITTON: No. This has been a real pleasure.
20 I could keep doing this for a long time (laughter), but there's
21 no point in keeping everybody here. But anyway, those were a
22 few fun war stories to tell.

23 And I appreciate your taking your time. I know Lee was
24 speaking down in Orange Beach today as president of the State
25 Bar and drove up for this. So thank you.

1 MR. COPELAND: Thanks. Judge, just one point of
2 personal privilege.

3 I am, as we speak, president of the Bar and about to go
4 out. But the Bar's motto, as most of y'all -- I don't know that
5 most of y'all are Alabama lawyers, but a good chunk of you
6 are -- is "Lawyers Render Service." And that's kind of what we
7 do. And if ever there was a person, to me, that shows what that
8 statement means, it's Judge Albritton. You know, lawyers get
9 out of whack. And, frankly, judges get out of whack
10 sometimes --

11 JUDGE THOMPSON: Wait, wait.

12 (Laughter)

13 MR. COPELAND: -- when the world goes wrong. When --
14 if lawyers remember that we are servant-leaders -- and what we
15 do, we serve the law. And it's not vice versa. The law doesn't
16 exist so we have an occupation. We exist, in my mind, so we can
17 serve the law.

18 And if ever, as I said, there's a fellow that
19 represents that kind of servant-leader, it's Judge Albritton.
20 And just as a lawyer, I just think it's terribly important when
21 Judge Albritton -- this is not on my list. I mean, it's on my
22 list. I didn't get to it. I'm so sorry.

23 He talked about the pro bono work that he did. The
24 truth is, us as lawyers, we should never, ever have a
25 millisecond when we don't have a pro bono case in our office.

1 And I'm not talking about your cousin's third-something that's
2 not going to pay. I'm talking about -- not something that you
3 have a responsibility, but something you have a duty for.

4 And it's almost as if our motto of "Lawyers Render
5 Service" was written for Judge Albritton.

6 (Applause and standing ovation)

7 JUDGE THOMPSON: Actually, there's a follow-up to that.
8 If I remember, Lee, there is an award given to lawyers who do
9 pro bono work. And what is that award called?

10 MR. COPELAND: It would start with an A.

11 JUDGE THOMPSON: An A? Sort of the way he said in
12 school, "I did all right?" A? It's called the Albritton Award.

13 MR. COPELAND: Yeah.

14 JUDGE THOMPSON: And I can't think of a person whom it
15 should have been named after more aptly than Judge Albritton.
16 And the idea that he got -- that he sued to intervene explains
17 why, as a Court, we judges pride ourselves in getting along so
18 well. And Judge Albritton exemplifies that to the hilt.

19 And one final thing. You notice that we did not cover
20 his time as a judge. That was intentional. Too many people
21 think that we judges sort of just descend on the court and
22 suddenly start being judges. What they don't realize is a great
23 career makes a great judge.

24 And so when I asked Judge Albritton to do this, I
25 wanted to cover the period before he became a judge because I

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REPORTERS' CERTIFICATE

We, Risa L. Entrekin and Patricia G. Starkie,
Registered Diplomate Reporters and Official Court Reporters for
the United States District Court for the Middle District of
Alabama, do hereby certify that the foregoing 56 pages contain a
true and correct transcript of the Interview of W. Harold
Albritton III, Senior United States District Judge for the
Middle District of Alabama, in the City of Montgomery, Alabama,
on May 20, 2016.

In testimony whereof, we hereunto set our hand this
29th day of November, 2016.

/s/ Risa L. Entrekin
RISA L. ENTREKIN, RDR, CRR
Official Court Reporter

/s/ Patricia G. Starkie
PATRICIA G. STARKIE, RDR, CRR
Official Court Reporter