

1 UNITED STATES DISTRICT COURT

2 MIDDLE DISTRICT OF ALABAMA

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5 INTERVIEW OF

6 **THE HONORABLE W. HAROLD ALBRITTON**

7 Judge of the United States District Court
8 for the Middle District of Alabama

9 as a part of the

10 ORAL HISTORY PROJECT

11 of the

12 U.S. DISTRICT COURT

13 MIDDLE DISTRICT OF ALABAMA

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21 Interviewed by David Boyd

22 Montgomery, Alabama

23 January 5, 2001

1 MR. SEGALL: We are here on January 5, 2001, to
2 interview Judge Harold Albritton. The interview is being
3 conducted as part of the Oral History Project of the United
4 States District Court for the Middle District of Alabama, a
5 court on which Judge Albritton has served for almost ten years,
6 the last three of which he has served as chief judge.

7 The interview of Judge Albritton is being conducted in
8 his federal courthouse chambers by Dave Boyd, an attorney
9 practicing law in Montgomery, Alabama.

10 MR. BOYD: Good morning, Judge Albritton.

11 JUDGE ALBRITTON: Good morning, Dave.

12 MR. BOYD: Thank you very much for being with us today
13 and giving us this time to conduct this interview with you as
14 part of our oral history project.

15 JUDGE ALBRITTON: Thank you for doing it.

16 MR. BOYD: Before we get into a little bit about your
17 personal background, I'd just like to sort of make it clear what
18 you do here at the court now and what you've done previously in
19 your legal career.

20 Now, you're currently the chief judge of the Middle
21 District of Alabama; is that right?

22 JUDGE ALBRITTON: That's right.

23 MR. BOYD: What exactly does the chief judge do in the
24 federal court system?

25 JUDGE ALBRITTON: Well, the chief judge is responsible

1 for administrative duties in the Court, and that runs the gamut
2 of making sure that the trains run on time. That involves
3 personnel matters. It involves dealing with all of the
4 different aspects of the Court, the other judges, the employees
5 of the Court.

6 For me, at this time, a great part of the
7 responsibility has been handling the building of a new
8 courthouse. That's been our major project, and that's taking a
9 lot of the time of the chief judge now.

10 MR. BOYD: We're going to have an opportunity to talk
11 about that in some detail later today. Do you, as chief judge,
12 continue to carry on the other duties, ordinary duties of a
13 judge, trying cases and the like?

14 JUDGE ALBRITTON: Still have the same caseload as every
15 other judge. Some districts give the chief judge a lighter
16 caseload than other judges, but that's primarily in the larger
17 courts. And we've never had a tradition of doing that here in
18 this Court, so I didn't start the -- I didn't start a new
19 tradition of taking a lighter load.

20 MR. BOYD: When did you first go on the federal bench,
21 Judge Albritton?

22 JUDGE ALBRITTON: 1991, May of 1991.

23 MR. BOYD: And you became chief judge in 1998, I
24 believe?

25 JUDGE ALBRITTON: That's right.

1 MR. BOYD: And before you went on the federal bench,
2 you were a practicing lawyer?

3 JUDGE ALBRITTON: Correct.

4 MR. BOYD: What years were you involved in the private
5 practice of law?

6 JUDGE ALBRITTON: Well, I graduated from law school in
7 1960 and then practiced law in the Army for two years, came back
8 to Andalusia and entered private practice with my family law
9 firm there in 1962 and continued until I came here in 1991.

10 MR. BOYD: Well, I want to ask you some questions about
11 that in a few minutes; but before we do that, let's back up
12 and talk about your early years and your childhood. Where were
13 you born, Judge?

14 JUDGE ALBRITTON: Born in Andalusia, Alabama.

15 MR. BOYD: And that's down in Covington County; right?

16 JUDGE ALBRITTON: That's right.

17 MR. BOYD: Down in the southernmost -- south central
18 part of the state of Alabama?

19 JUDGE ALBRITTON: That's right. Right on the Florida
20 line.

21 MR. BOYD: What year were you born?

22 JUDGE ALBRITTON: In 1936, December the 19th.

23 MR. BOYD: Who were your parents?

24 JUDGE ALBRITTON: Well, my father was Robert Bynum
25 Albritton, and my mother was Carrie Veal Albritton.

1 MR. BOYD: And your father, like yourself later on, was
2 a practicing lawyer there in Andalusia; is that right?

3 JUDGE ALBRITTON: He was. I practiced with him.

4 MR. BOYD: And who were your grandparents?

5 JUDGE ALBRITTON: Well, my father's parents were
6 William Harold Albritton, after whom I was named, and Annie
7 Rebecca Mashburn Albritton. My mother's parents were Lewis Veal
8 and Mary Veal from Louisville, Alabama, originally. And my --
9 that grandfather died at a very early age, and my grandmother
10 moved my mother and all the rest of her family to Tuscaloosa,
11 where she grew up.

12 MR. BOYD: So you have some Barbour County roots and
13 some Tuscaloosa roots and some Covington County roots --

14 JUDGE ALBRITTON: That's correct.

15 MR. BOYD: -- among other places.

16 JUDGE ALBRITTON: That's right.

17 MR. BOYD: Tell me a little bit about your education as
18 a child, at the primary and secondary levels.

19 JUDGE ALBRITTON: Well, I went to the public schools
20 in Andalusia, East Three Notch Grammar School, the same grammar
21 school my father went to and the same building and the same
22 building that my -- all three of my sons went to and that some
23 grandchildren have been going to. They're moving out of that
24 building this month, I think.

25 In the eleventh grade, I went to -- I moved up to

1 Marion Military Institute and went there the last two years of
2 high school, graduated from there.

3 MR. BOYD: You weren't the first generation of your
4 family to have attended Marion Military Institute, I understand.

5 JUDGE ALBRITTON: No. My grandfather went to Marion
6 before going to the University of Alabama.

7 MR. BOYD: And I believe you were the valedictorian of
8 that graduating class at Marion, if I'm not mistaken.

9 JUDGE ALBRITTON: That's correct, in 1955.

10 MR. BOYD: What was it like growing up in Andalusia?
11 And why don't you tell us a little bit about Andalusia, how big
12 it is and sort of what was going on there when you were a child.

13 JUDGE ALBRITTON: Well, it was great growing up there.
14 It's a town of about 10,000 people, a wonderful place to grow
15 up, wonderful place to raise a family, near your old hometown of
16 Greenville. That part of the state of Alabama is a fine place
17 to live. It's close to the coast. It's close to other cities
18 if you want to go to them, but you have the fine parts of living
19 in a small town. You get to know everybody, enjoy the people.
20 I have a lot of fond memories of growing up in Andalusia.

21 MR. BOYD: I understand that you did not have any
22 siblings.

23 JUDGE ALBRITTON: Only child.

24 MR. BOYD: Only child.

25 JUDGE ALBRITTON: My father was one of 11 children, and

1 my mother was one of nine children. I was an only child.

2 MR. BOYD: Well, the Albritton family has been in
3 Covington County and Andalusia for a long time.

4 JUDGE ALBRITTON: Well, that's right. Since 1887.

5 MR. BOYD: And we're going to talk about the founding
6 of the family law firm here in a few minutes, but I guess that
7 was the occasion for the family to move there at about the same
8 time that I guess your great-great grandfather founded the law
9 firm that you later were the senior partner in.

10 JUDGE ALBRITTON: Great grandfather.

11 MR. BOYD: Great grandfather.

12 JUDGE ALBRITTON: Yeah. He came down in 1887 from
13 North Carolina.

14 MR. BOYD: Well, after you graduated from Marion
15 Military Institute, you went on to college at the University of
16 Alabama; is that right?

17 JUDGE ALBRITTON: That's right.

18 MR. BOYD: How did you come to select Alabama over
19 perhaps some other colleges?

20 JUDGE ALBRITTON: Well, I've been a fan of the
21 University of Alabama since childhood. That's really about the
22 only place I thought about going. I had been a football fan of
23 there, a fan of the school. My mother and father had both been
24 to the University of Alabama. My grandfather had been to the
25 University of Alabama. There's an Alabama tradition in the

1 family that -- I had been going there, visiting with relatives
2 who lived in Tuscaloosa, since childhood, spending weekends for
3 homecoming and everything else there; and it was just a natural
4 thing for me to move on to the University.

5 MR. BOYD: And that loyalty has remained to this day,
6 I'm quite sure. I understand that you were, among other things,
7 the vice president of the student government association while
8 you were there.

9 JUDGE ALBRITTON: Yeah.

10 MR. BOYD: I think you were named the outstanding
11 freshman student. You're a member of Phi Beta Kappa academic
12 honorary, Omicron Delta Kappa honorary, and Jasons, which is a
13 University of Alabama honorary for senior men.

14 You stayed on in Tuscaloosa, I take it, to attend law
15 school. Was there any break between your college and your law
16 school?

17 JUDGE ALBRITTON: No. In fact, rather than having a
18 break, I kind of accelerated things. Back at that time, you
19 could go to law school at the University of Alabama after three
20 years of undergraduate school at the University. And then after
21 your first year of law school, you got your undergraduate degree
22 and finished up the last two years in law school. So -- and I
23 went to summer school a couple of summers, so I ended up
24 finishing the whole thing in a little over five years. I
25 graduated in August of 1960 from law school and started

1 undergraduate school in September of 1955.

2 MR. BOYD: You were on an accelerated program.

3 JUDGE ALBRITTON: Yeah.

4 MR. BOYD: And while at the law school, you were a
5 member of the law review and a member of the Farrah Order of
6 Jurisprudence, which later, of course, became a chapter of the
7 Order of the Coif.

8 JUDGE ALBRITTON: Yeah.

9 MR. BOYD: Do you have any particular recollections of
10 your law school experience that stand out in your mind,
11 interesting personalities or professors or anyone that you
12 encountered?

13 JUDGE ALBRITTON: Well, Leigh Harrison was the dean
14 then, and he was a great person with -- I have fond memories of
15 him. We had such professors as John Payne in Torts that many
16 people remember from up there as a very tough professor in that
17 and in other subjects, Clint McGee in Criminal Law and Criminal
18 Procedure. And there was one of the most colorful -- I guess
19 the most colorful, maybe, of the professors at that time was Sam
20 Beatty. I always remember my early years there or the first
21 year there when he was teaching a course and demonstrating -- it
22 was in civil remedies, legal remedies. And he was demonstrating
23 the difference between assault and battery. And he suddenly
24 picked up a book and threw it at one of the members of the class
25 and said, now, if it had hit you, that would have been assault

1 and battery. Since it missed you, it was merely an assault.

2 MR. BOYD: Did you ever give any thought to not going
3 to law school?

4 JUDGE ALBRITTON: Well, a little bit. I -- from --
5 really, from early on, I had wanted to be a lawyer.
6 That's always what I had in mind. The only thing that I did
7 give some serious thought to the possibility of doing other than
8 that was journalism. I got very interested in that in high
9 school. I worked as a cub reporter for the *Andalusia Star-News*,
10 weekly paper there, during the week and some in the summertime.
11 And the editor of the *Andalusia Star-News*, a very colorful
12 person there, Ed Dannelly, had me doing such interesting things
13 as writing the obituaries and things of that nature.

14 I remember the first big story he gave me was to cover
15 the annual meeting of the Alabama Electric Cooperative, and I
16 thought that was really a big deal. I got -- in fact, got a
17 byline on it. So I did give that some serious thought, worked
18 on the newspaper while I was at Marion, but that was just
19 thinking. I really stayed with my idea of going into law.

20 MR. BOYD: And, of course, you'd come from a family of
21 lawyers.

22 JUDGE ALBRITTON: Yeah. I was the fourth generation in
23 my family. And my three sons are carrying on the tradition of
24 being the fifth generation in our family to be lawyers.
25 We're -- we just never could figure out anything else to do.

1 MR. BOYD: Well, after your graduation from law school,
2 you did some military service, as I understand from reading your
3 biography.

4 JUDGE ALBRITTON: That's right. I had a commission, an
5 infantry commission, through ROTC. And, you know, back at that
6 time, we had the draft. There was no war going on at that time.
7 It was between the Korean War and the -- and Vietnam, but we
8 still had the draft. So everybody -- all young men were either
9 going in voluntarily or being drafted -- practically everybody.

10 I had gone to Marion Military Institute and entered
11 ROTC at Alabama and had an infantry commission. I got deferred
12 through law school and then transferred branches to Judge
13 Advocate General Corps and went in in the fall of 1960.

14 MR. BOYD: And you remained in the military until 1962?

15 JUDGE ALBRITTON: That's right. I went to JAG school
16 at University of Virginia. We had a new baby. My oldest son
17 had been born. And we put him in the car and trucked up to
18 Charlottesville, Virginia, for three months.

19 We had in mind some exciting place to go in the Army.
20 I figured if I worked real hard and studied hard and made good
21 grades, that I'd have an opportunity to do something that I
22 wanted to do. So they asked us to give our preferences as to
23 where we wanted to go, and I listed Europe first and Hawaii
24 second and the Presidio in San Francisco third. I worked real
25 hard and did fine with grades, and they sent me to Fort Hood,

1 Texas. That's the Army for you.

2 The fortunate thing about it is that's out in the
3 middle of a desert in Texas. It's an armored post. And I was
4 trying courts-martial. And there were a lot of them because the
5 troops didn't have anything to do except get drunk, fight each
6 other, steal things, run away, and so there were a lot of cases,
7 and I stayed in court an awful lot. And that was a very
8 interesting -- that was about a year and a half. We'd swap
9 around and be on the prosecution side for several months and
10 then on the defense side for several months, and it kept me very
11 busy.

12 MR. BOYD: And I'm sure was an excellent training for
13 your future career as a trial lawyer.

14 JUDGE ALBRITTON: It was. Absolutely. We -- and not
15 just in being a trial lawyer but in some other things about
16 being a lawyer. I remember there was another person that had
17 gone through JAG school with me, Harold Waters. And we went out
18 there together, and we were the trial team. One of us would be
19 the prosecutor; one of us would be the defense counsel. And we
20 lived near each other or next to each other. And Jane and I
21 just had one car, and he had one car, so we'd take turns riding
22 in to work together and then the wives would keep the other car.

23 And we were going through a pretty strong trial at one
24 time; and about midway through, my client told me in the
25 afternoon, said, Lieutenant Albritton, I noticed that you and

1 Lieutenant Waters just get out of the same car and come in and
2 then get in the same car and go home at night. Do y'all just --
3 when it's all over, just say, well, good luck next time and
4 laugh at each other and go on off together? He said, that makes
5 me feel kind of uncomfortable.

6 And so I gave him a talk about how lawyers can be
7 friends but still fight and all. Well, that doesn't mean a
8 whole lot to clients. I learned then that you have to be
9 careful about appearances as well as actualities.

10 MR. BOYD: You were discharged as captain, I believe --

11 JUDGE ALBRITTON: That's right.

12 MR. BOYD: -- and then entered into the private law
13 practice immediately thereafter?

14 JUDGE ALBRITTON: Came right back to Andalusia and
15 started practicing law.

16 MR. BOYD: Did you give any consideration to going
17 anywhere else other than back to Andalusia to practice law?

18 JUDGE ALBRITTON: Serious consideration. I was -- had
19 a very flattering and interesting offer from a big firm in
20 Birmingham. And we talked a lot about it. I was -- I
21 appreciated the offer and the opportunity. We ended up
22 deciding, Jane and I together, to -- what we wanted to do was go
23 back to Andalusia. Jane is not back from Andalusia. She's not
24 from there, but she agreed with me that that was the course we
25 wanted to take.

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FAMILY AND PRACTICE

MR. BOYD: Let me move on now to ask you some questions, Judge, about your family. And let's start by sort of circling back a bit, because in our previous discussion, you've mentioned your wife, Jane, several times. And tell me about how you met your wife and when and what the circumstances were.

JUDGE ALBRITTON: Well, Jane is from Tuscumbia and at the other end of the state from Andalusia, up on the Tennessee line, where I'm down at the Florida line. We met during fraternity and sorority rush at the University of Alabama our freshman year. We met on a blind date. And it was for a rush party that I was going to. And she had just pledged Kappa Kappa Gamma. The fraternity rush was still going on, and fraternities were lining up dates, and the sororities were doing the same. So we met on a blind date for a fraternity rush party and dated each other for the rest of our time at the University and got married when I was a freshman in law school.

MR. BOYD: And that was in 1958?

JUDGE ALBRITTON: Married in 1958, June of 1958.

MR. BOYD: And so your wife, Jane, was with you through law school and through your military experience, as you've previously mentioned.

JUDGE ALBRITTON: She was not only with me during law school, she helped put me through law school. She graduated from the University and taught in a public school out in the

1 county in Tuscaloosa to help finish putting me through law
2 school.

3 MR. BOYD: And I'd like to ask you about your children.
4 I think you have three sons; is that right?

5 JUDGE ALBRITTON: I do. And the oldest, Hal -- his
6 name is William Harold Albritton IV -- was born when -- as I
7 mentioned a little earlier, while I was in law school. And he
8 is married. Hal is married to Lucy Smith from Mobile. And they
9 had our first grandchild, who was a granddaughter, Rollins, who
10 last month turned 16. So that was our -- that's our first.

11 Our second son, Ben, Benjamin Howard Albritton, was
12 born while I was in the Army. He was born at Fort Hood, Texas.
13 And I'll always remember that he was born in an Army hospital
14 out there and the total cost to us was \$8. So we paid \$8 for
15 the birth of our second son.

16 Ben is married, is married to Sharon Maluff from
17 Birmingham, has three children. His oldest son is named after
18 him, Benjamin Howard Jr. We call him Buddy. Buddy will be 11
19 next month. Then their daughter, the middle child, is Bynum.
20 Bynum is seven years old and a real honey. And then their third
21 is William, Will, and Will is five. They live in Mobile, where
22 Ben practices law.

23 Then our youngest, Tom, was born in 1967 in Andalusia.
24 And he lives in Andalusia now, and he's married to Amanda Riggs
25 from Camden, and they have two children. Their oldest is the

1 daughter, Hunter, who is seven years old, and then they have a
2 son, James, who's four. And that rounds out our family, three
3 sons, three daughters-in-law, and six grandchildren.

4 MR. BOYD: And all three sons are lawyers here in the
5 state of Alabama.

6 JUDGE ALBRITTON: Yes, they are. I'm very proud of all
7 three of them. They all three graduated from the University of
8 Alabama Law School. Hal and Tom are practicing with my old law
9 firm in Andalusia. Ben practices in Mobile and is a partner in
10 the Janecky Newell firm in Mobile. All three of them are
11 primarily involved in trial work.

12 MR. BOYD: Judge Albritton, we've mentioned several
13 times your family law firm or the law firm in Andalusia.
14 That's a story in itself, I think, that I'd like to talk to you
15 about. Tell us a little bit about the law firm in Andalusia
16 that you joined in 1962 and remained with until you went on the
17 federal bench and where your two sons practice now.

18 JUDGE ALBRITTON: Well, the firm started back in 1887.
19 My great grandfather, Edgar T. Albritton, Ed T. Albritton, was a
20 young lawyer in his twenties up in North Carolina. He lived in
21 Snow Hill, North Carolina. And his wife -- he had two children,
22 a son and a daughter, when his young wife died. And he was
23 devastated. He wanted to leave and get away.

24 He took his two children to live with a maiden aunt of
25 theirs in Washington, D.C., and he got on a train and just said

1 he was going to head south and just go to the end of -- end of
2 nowhere. He ended up -- the story goes that he ended up with
3 the train stopping in Greenville, your old hometown, Dave, and
4 he got off.

5 And there was a circus going on near the train station.
6 So he got off and walked around during the circus, and he
7 happened to bump into another young lawyer there by the name of
8 Dempsey Powell. And they got to talking about what my great
9 grandfather wanted to do, and he said, well, I want to set up a
10 law practice and I just want to go to -- I want to get as far
11 away as I can, and referred to it as the end of nowhere. I just
12 want to go to the end of nowhere.

13 So Dempsey Powell said, well, Andalusia is the perfect
14 spot for you. He said they don't have many people there
15 practicing law now. It's not on the train line right now. So
16 I'd recommend that you go there, about 50 miles away. So he got
17 a horse and buggy and put his few belongings in it and headed to
18 Andalusia, where he hung out a shingle, Ed T. Albritton, Lawyer.

19 MR. BOYD: Had he been trained as a lawyer?

20 JUDGE ALBRITTON: Yes. And he started practicing by
21 himself.

22 A few years later, he and Dempsey Powell from
23 Greenville formed a partnership, Powell & Albritton. Dempsey
24 Powell was a few years older than my great grandfather. He
25 ended up serving in the State Senate and other things --

1 Mr. Powell did. He also, through the years, had a practice in
2 Greenville. He had a practice in Greenville and in Andalusia.
3 His Greenville practice was Powell & Hamilton, still -- that
4 firm is still going on down there in Greenville. And in
5 Andalusia, in the firm there, he ended up practicing with my
6 great grandfather, with my grandfather, and with my father and
7 two of my uncles. He practiced with three generations of my
8 family before his death. That's the way it got started.

9 My great grandfather ended up serving as -- he was the
10 first elected mayor of the City of Andalusia. They had had I
11 think a couple of appointed mayors at that time. Pretty new
12 city -- city. It was a pretty new town at the time. And the
13 first time they had an election for mayor, he was elected mayor.
14 He later served as the county judge there in Covington County.

15 Then not too long after he had moved to Andalusia, he
16 sent for -- well, for his son at that time. His daughter had
17 died at a very early age there in Washington. And he sent for
18 his son, my grandfather, and they put him on a train. And he
19 came down and moved down to Andalusia. My great grandfather
20 remarried.

21 So my grandfather grew up there in Andalusia, went to
22 Marion Institute, as I said a while ago, and then University of
23 Alabama and law school there, came back.

24 MR. BOYD: What was your grandfather's name?

25 JUDGE ALBRITTON: That was William Harold Albritton.

1 MR. BOYD: And that's the person for whom you're named?

2 JUDGE ALBRITTON: Well, him and -- I'm named for him
3 and for one of my uncles, who was a junior.

4 MR. BOYD: I see.

5 JUDGE ALBRITTON: The firm then became Powell,
6 Albritton & Albritton, my great grandfather and my grandfather
7 practicing with Dempsey Powell.

8 It went on for a while, and my father and two of my
9 uncles came back in the firm. My uncle Bill Albritton, William
10 Harold Jr., came back actually a little -- a couple of years,
11 two or three years before my father did, although he was younger
12 than my father. He -- Uncle Bill went to the University of
13 Alabama and University of Alabama Law School. After about a
14 year in law school, he decided he didn't want to put up with
15 the regimen of law school and didn't feel like he needed it that
16 much anyway.

17 So he came back to Andalusia and was named register in
18 chancery and worked in the law firm, as they called back then,
19 reading the law, and then took the bar exam, as you could do
20 then, without actually graduating from law school and was
21 admitted to practice in Alabama. Turned out to be one of the --
22 I think one of the most brilliant lawyers in the state. He was
23 one of the early tax specialists in Alabama.

24 My father, after graduating from undergraduate school
25 at Alabama, went down to Florida to take part in the great land

1 boom in Florida, and it turned into the great land bust in
2 Florida. And after after the bust in the 1920s, he came back to
3 law school. When he finished law school -- he and my mother
4 were married while they were in law school -- he came back down
5 to the firm in Andalusia.

6 And then an uncle of mine, Marvin Albritton, went to
7 law school at Alabama after being in the Navy in World War II
8 and then came back to the law firm. So they were practicing
9 there, and Dempsey Powell died while -- during that early time
10 when my uncles were practicing.

11 Albert Rankin entered the firm, and the firm became
12 Albrittons -- they pluralized it because there were so many of
13 them by then -- Albrittons & Rankin. And Albert was a wonderful
14 person, died a number of years ago, but I practiced with him as
15 well. Then when I got out of the Army in 1962, I came back with
16 them.

17 MR. BOYD: And who all was there in the firm when you
18 came back in 1962?

19 JUDGE ALBRITTON: It was my father, my Uncle Bill and
20 my Uncle Marvin, and Albert Rankin. And then I came in. Then
21 Hal came back to practice with us when he graduated from Alabama
22 Law School. Hal had other opportunities to go other places and
23 thought seriously about accepting offers in Birmingham and, like
24 I did, decided to come back home to Andalusia. And I was very
25 proud that he did make that decision.

1 Ben decided that he was going to go his own way. Ben
2 got an undergraduate degree from Auburn in building sciences and
3 got out of undergraduate school and got in the construction
4 business for about three years and decided to go back to law
5 school. So I was in law school at Alabama with his little
6 brother, Tom. They went through law school the same year. But
7 Ben decided that he would not practice in Andalusia, and he's
8 now in Mobile and enjoying it very much.

9 And then Tom got out of law school at Alabama and, as
10 well, considered accepting offers in -- again, in Birmingham,
11 but elected to come back with his brother. I was already up
12 here on the bench by the time he got out, and -- but he went
13 back with his brother and others to practice. And that's where
14 they are now.

15 MR. BOYD: Well, your law firm holds what I think is a
16 very important distinction here in the state of Alabama. Why
17 don't you tell us about that.

18 JUDGE ALBRITTON: Well, it is the oldest continuous law
19 firm in the state. It began in 1887, and there's not been a
20 break. There are some firms, I think, that trace back to
21 earlier roots but with breaks of some time in between and then
22 picking up again. This firm is the oldest continuing law firm
23 in the state. And with two of my sons down there, that's the
24 fifth generation of the family in the law firm. The firm's name
25 now is Albrittons, Clifton, Alverson & Moody.

1 MR. BOYD: And it's been there continuously since 1887.

2 JUDGE ALBRITTON: Yes, it has. And although we talk a
3 lot about my family in it, the law firm wouldn't be the firm it
4 is without some nonfamily members in it too. We've always had
5 some very outstanding nonfamily members. We -- Albert Rankin
6 was one that I mentioned while ago. John Givhan practiced for a
7 number of years with our firm in Andalusia, retired, oh, three
8 or four years ago, I think. Rick Clifton is there in the firm
9 carrying on the tax and corporate end of the firm. Bill
10 Alverson is a member of the firm. Julie Moody is another member
11 of the firm, the first woman lawyer in the firm, and she's from
12 Covington County. And then Ben Bowden is the youngest member of
13 the firm there.

14 MR. BOYD: Over all the years of the existence of the
15 firm, has it been a general law practice?

16 JUDGE ALBRITTON: Yes. It's been a general law
17 practice that's practiced in a wide area around the state. At
18 one time, with my great grandfather and grandfather, they had a
19 fairly sizable practice that extended into Florida and also some
20 when I got back into practice.

21 There's always been quite a bit of work in estate
22 planning or taxation, corporate work. There's been -- there
23 was -- a large part of the practice has been in litigation. It
24 was when I was practicing there, and it still is with trying
25 cases all around the state. Primarily has been work in the

1 defense of civil litigation but other types too. That's been
2 the emphasis.

3 MR. BOYD: Tell me a little bit about your personal law
4 practice there in Andalusia from the time you came back to the
5 firm in 1962 until you went on the federal bench in 1991. I
6 know you were an accomplished litigator. Did you ever do any
7 other kind of work there at the firm?

8 JUDGE ALBRITTON: Well, when I first came into the
9 firm, it was understood that I was going to lend some assistance
10 to my Uncle Bill, who I mentioned while ago was a tax
11 specialist, and I was going to work in the field of taxation and
12 corporate law. At that time, the major industry in Andalusia
13 was AlaTex, which manufactured shirts and -- a huge
14 manufacturer, with plants in I think six cities. And our firm
15 was general counsel for them, my father was on the board of
16 directors, and it was -- that was a big client. And I was going
17 to be doing a good bit of work with that and also in the general
18 field of taxation, estate planning, corporate work, and that
19 sort of thing. And I did that for a while.

20 Two things happened. One was that I really -- I
21 enjoyed it, but it was not really my thing. I started doing a
22 little bit of litigation, and that was. And I really got very
23 interested in doing that, and it was -- it became obvious that
24 you couldn't do both and be competent at it.

25 Another thing was AlaTex was sold. It was a local

1 company, and so this large client was sold to an out-of-state
2 firm and ended up not being a client anymore, so the nature of
3 our practice changed. Scared us all to death. That happens
4 with lawyers, as you know, and you never know what your practice
5 may be like because of something like that. Turned out to be a
6 blessing in disguise, I think, because it had taken up a lot of
7 time of lawyers and made them unavailable to do other things.
8 This opened the door to other things, including more litigation
9 practice that I got involved in.

10 From then on, I did some other things, some corporate
11 work, but -- and some estate work, but primarily a trial lawyer.

12 MR. BOYD: And I take it you had the opportunity to try
13 cases not only there in Covington County, but in other parts of
14 South Alabama and perhaps elsewhere.

15 JUDGE ALBRITTON: Yeah, I did. I enjoyed practicing
16 all over the state, a lot of it around in the various counties
17 in South Alabama and -- but in all the federal courts and some
18 practice in Birmingham and up to Huntsville and around in
19 different places. I was primarily involved in defense of civil
20 litigation.

21 When I started out, I was doing the little
22 slip-and-fall cases, the whiplash cases, and the fender-benders
23 and things of that nature. Later in my practice, it turned into
24 more products liability work and some medical malpractice work
25 and insurance defense, various things of that nature. I --

1 although it was mostly defense of civil litigation, I did do
2 some plaintiff's work and some -- occasionally some criminal
3 practice, which added to the interest of the practice.

4 MR. BOYD: And you're far too modest to bring this up
5 on your own, but I want to. Your outstanding career as a
6 litigator, as a trial lawyer, was recognized by your election to
7 be a Fellow of the American College of Trial Lawyers. Now, what
8 year was that? Do you recall?

9 JUDGE ALBRITTON: No, I don't. I don't. I was very
10 honored over that and being elected by other members of the
11 College in Alabama. Two of us from Alabama were elected to the
12 College of Trial Lawyers that year. Bernie Harwood from
13 Tuscaloosa, who will be sworn in later this month as a new
14 member of the Supreme Court of Alabama, was the other member.
15 And we went up to the big city, went up to New York City to be
16 sworn in. That was quite an occasion.

17 MR. BOYD: Were there some particularly interesting or
18 exciting or memorable cases that you were involved in while you
19 were trying cases for that period of, gosh, almost 30 years?

20 JUDGE ALBRITTON: I'll never forget the first civil
21 case I tried before a jury when I got back to Andalusia, because
22 I lost it. And it was a little slip-and-fall case. I was
23 representing one of the stores there where a person had fallen.
24 And we tried the case, and the jury came back with a verdict of
25 \$1500 for the plaintiff. And I came back all crestfallen, and

1 everybody in the firm was saying, oh, you -- that's a victory.
2 They were trying to get a lot more money than that. I said,
3 well, anytime that I don't win, it's not a victory to me. It
4 didn't feel like a victory, but everybody consoled me. And I
5 still didn't think it was, but I remember that case very well.

6 Through the years, I did -- one of the things that was
7 interesting, I represented one of the drug manufacturing
8 companies in defending lawsuits all over the state. And that
9 was a quite interesting experience.

10 I occasionally was involved in criminal cases.
11 Probably one of the most memorable, if not the most memorable,
12 was the first time I was appointed to handle a death penalty
13 case. And that was quite an experience. This was in the 1970s.
14 They appointed two lawyers to represent the defendant. Court
15 appointed Sid Fuller and me to represent the defendant. Sid, a
16 very outstanding lawyer in Andalusia a few years older than I
17 am. This was a young black man who was charged with murder in
18 the robbery and shooting of a very popular white filling station
19 owner in Covington County, and there were a lot of high feelings
20 about the case. It had gotten a lot of publicity. And we were
21 appointed to represent the defendant.

22 He continued to insist to us that he was innocent. We
23 went -- we spent an awful lot of time putting that together. It
24 made me realize how serious this sort of thing was. I had never
25 had any experience with it before. In fact, the first thing I

1 did when I got that appointment, never having handled one of
2 those cases, was to pick up the phone and call my old University
3 of Alabama classmate, Morris Dees, who had established, along
4 with Millard Fuller, another classmate, Southern Poverty Law
5 Center. And at that time, they were doing an awful lot of
6 capital case representation. That was their big thing at the
7 time.

8 So I called him and told him I had just been appointed
9 to a capital case and I needed somebody to give me some help and
10 tell me what kind of motions I needed to make and some of the
11 formalities of it. I knew how to try a lawsuit, but I wanted to
12 make sure that I wasn't leaving any bases uncovered.

13 So he said, well, let me -- I'm going to put you on the
14 phone with our specialist. He's probably more knowledgeable
15 about death penalty law than anybody in the country. His name
16 is John Carroll. So he put me on with John. And, of course, as
17 you know, John is now the chief magistrate judge here in our
18 court. He was the head of their trial group at the time.

19 So John and I talked about it. He sent me a book that
20 they had put together of motions that needed to be filed and all
21 kinds of procedural things like that. So Sid and I got that and
22 we filed all the necessary motions and made sure all of his
23 rights were protected there. And we went through the trial --
24 they were all overruled, incidentally, but we had protected the
25 record.

1 We spent an inordinate amount of time preparing that
2 case. It involved ballistics experts and -- of two kinds, and
3 it was very involved. We went through the trial, it lasted
4 several days, and the jury found him not guilty. They -- some
5 of them told us after -- some time after it was over that they
6 were satisfied that there was reasonable doubt and that they
7 were persuaded on the basis of reasonable doubt.

8 The case ended. We felt drained. We stood up. Our
9 client got up from the table, didn't say a word to us, walked
10 out the back, got with his mother, who was sitting in the
11 courtroom. She didn't say a word to us. And they left. That
12 left us a little bit crestfallen.

13 We picked up our briefcases, walked out, got to the
14 front steps of the courthouse there in Andalusia, and a number
15 of people were out in front of the courthouse. And it was the
16 family of the deceased, who proceeded to give us a hard time
17 about our representation of the defendant.

18 We explained to them that we had been appointed by the
19 court and it was our duty to do this. And they, in effect,
20 said, well, you didn't have to try. And we said, well, we were
21 sure they didn't understand, but we were lawyers and we did the
22 best we could. And we got through them.

23 And it was a terrible experience. Sid and I had been
24 planning on going out and having dinner together or something
25 after it was over; but by the time we got through with that, we

1 both looked at each other and just said, I'm going home. So we
2 did.

3 MR. BOYD: Sounds like that experience would be as
4 close as a lawyer could come to the real Atticus Finch
5 experience.

6 JUDGE ALBRITTON: Well, it was real up close and
7 personal with me at that time about the feelings that you have,
8 number one, of the responsibility that you have when you're
9 representing somebody who's facing the death penalty. That's
10 about as serious as it can get. And second, the experience of
11 representing an unpopular client, your responsibilities in it,
12 your very mixed feelings about all of it. And all you can tell
13 yourself -- and I did at the time -- that we were doing what a
14 lawyer was supposed to do, and we felt good about it.

15 The rest of the story that made it better, I think, was
16 about five years later, a bit later, I got a call from my
17 secretary and said Mr. So-and-So is out here to see you. And
18 the name rang a bell, and I realized it was the son of the
19 victim in the case. I thought, what's going on now? So I said,
20 fine, bring him in.

21 So he came in and he sat down. And he said, I want to
22 ask you first if -- called the name of the defendant -- killed
23 my daddy. And I said, well, I don't know. I don't know. He
24 always told us he didn't. Whether he did or not, it's not my
25 decision. He said he didn't. We represented him the best we

1 could. The jury found him not guilty.

2 He said, well, I just wanted to know if you knew. He
3 said, that satisfies me. Now I want to tell you I've been sued
4 in a case that may cost me my business. I don't have any
5 insurance for it, and I want you to represent me and do it just
6 like you did him.

7 And I said, well, are you sure? And he said, yes, I'm
8 sure. I said, all right, I'll be happy to. And I did. And we
9 won his case. So it all came to a good ending, I guess. I
10 have --

11 MR. BOYD: Any other cases that stand out in your mind?

12 JUDGE ALBRITTON: Well, talking about being primarily a
13 civil defense lawyer, I did -- a few years before I came on the
14 bench, I had represented a few plaintiffs in cases too; but not
15 too long before coming on, I represented a plaintiff in a fraud
16 case against an insurance company and had the rush of getting a
17 million-and-a-half-dollar verdict from a jury. So that was an
18 interesting experience. You know, being in an active practice
19 of trying cases, you can see things from both sides; but that
20 was a fun experience on the other side of the table.

21 Throughout the handling of litigation of all types,
22 it -- and you know this -- it really develops and developed in
23 me a respect for lawyers who get in the pit and try lawsuits.
24 Trial lawyers -- and when I say trial lawyers, I mean lawyers
25 who try lawsuits on both sides of the table -- get a lot of bad

1 press. That's just something that's going to happen in an
2 adversary system like we have.

3 I love lawyers, and I respect them. And I enjoyed
4 knowing and practicing with lawyers on both sides of the table.
5 You -- when you do a lot of that kind of work, you respect
6 people on the other side. You know what they feel like. You're
7 sitting there waiting on a jury to come back. It's going to
8 have a great effect on whoever wins and whoever loses. You know
9 what that other lawyer is feeling sitting there waiting on a
10 jury, and they know what you feel like. And I enjoyed it. I
11 loved it.

12 MR. BOYD: Well, Judge, you got to know lawyers on both
13 sides of cases not only by trying cases but also by being
14 heavily involved in State Bar activity; is that right?

15 JUDGE ALBRITTON: Yeah. I worked with the State Bar
16 for a long time. From the time I first started practicing law,
17 I was involved with -- at that time, it was called the young
18 lawyers section -- well, at that time, it was called the junior
19 bar; now it's called young lawyers -- and then on up in various
20 committees and finally ended up serving as president of the
21 State Bar, which was a great honor.

22 MR. BOYD: You served as president of the State Bar in
23 1990-1991, if I recall.

24 JUDGE ALBRITTON: Right.

25 MR. BOYD: You were not the first member of your

1 family, though, to have served as State Bar president.

2 JUDGE ALBRITTON: No. My father served as president of
3 the State Bar back in '71 and '72. I was in practice with him
4 at the time and enjoyed his term on -- as president, and then I
5 enjoyed following him up.

6 MR. BOYD: It's a tradition with Alabama State Bar
7 presidents that their picture, along with their family, appears
8 on the cover of the *Alabama Lawyer*, which is the official
9 publication of the Alabama State Bar. And I asked you if you
10 could locate the copy of the *Alabama Lawyer* that had your
11 picture and your family's picture when you were State Bar
12 president.

13 JUDGE ALBRITTON: Yep. I pulled it. That's us.

14 MR. BOYD: And that's the I guess 19 -- summer --

15 JUDGE ALBRITTON: September of 1990.

16 MR. BOYD: September of 1990. Well, that's a wonderful
17 family.

18 JUDGE ALBRITTON: I agree with that.

19 MR. BOYD: I found it really interesting, Judge, in
20 talking with you earlier to -- that you had sort of a unique
21 situation where you were State Bar president at the time that
22 you were nominated and confirmed to the federal bench. Tell us
23 a little about how you worked through that seeming conflict, I
24 suppose some could say.

25 JUDGE ALBRITTON: It was a matter of concern as to just

1 what to do about it. I was sworn in as judge in May of 1991,
2 and my term as president of the State Bar was to expire in July.
3 So before being sworn in, I had to find out what happened. Did
4 I need to -- did I need to resign or what? I -- my preference
5 was to continue with it because we had some programs going that
6 I wanted to finish up and it was just going to be a couple of
7 months. So I was hoping that I would not have to resign.

8 I checked with the State Bar ethics people and also
9 with the federal court's committee on canons of ethics; and both
10 said there was no prohibition against it; that the only problem
11 from the judicial end of it was that it couldn't be something
12 that detracted from your duties as a judge but that although
13 there had never been anybody in Alabama that had done that,
14 there had been maybe one or two people around the country who
15 had served as -- particularly with the American Bar
16 Association -- had served as one kind of officer or another
17 while being on the federal bench.

18 So having been cleared by both the state and
19 the judicial group, I decided to continue. So I did serve my
20 last two months as State Bar president while I was a judge. And
21 I gave the farewell address in Mobile at the Bar convention and
22 bade farewell to my fellow lawyers. I told them that I wanted
23 to assure them that -- as I had assured Senator Heflin during my
24 questioning before the judiciary committee, that I would
25 consider myself to be appointed and not anointed and that I

1 considered this to be a lateral transfer.

2 MR. BOYD: Well, as one of the lawyers here in the
3 Middle District who's had the good fortune to practice before
4 you, I'm happy to note that you've kept true to that promise.

5 JUDGE ALBRITTON: Well, you're kind to say that.

6 MR. BOYD: Were there any particular issues in --
7 affecting the State Bar while you were president that you had
8 to work through or any particular programs that you found to be
9 of great importance and emphasis?

10 JUDGE ALBRITTON: Well, in addition to the regular
11 things that the State Bar does year in and year out, which are
12 many, one of the things that I started that year that I was
13 pleased with -- and it's still going on, I think now in a
14 committee form rather than task force, but I founded the -- a
15 task force on minority participation and opportunity. And we
16 set up a biracial task force to try to have more minority
17 lawyers be active in State Bar work and also to work with law
18 firms and other employers on opening opportunities. We got
19 the -- that task force formed. I appointed my son Hal as one of
20 the first members on that committee. Judge Charlie Price agreed
21 to serve as chairman of it, and it's been going on ever since.

22 One of the issues at the time that I was in was the
23 question of whether lawyers should be required to do free legal
24 work for the poor. "Mandatory pro bono" is the term being used.
25 It was going around in some places, particularly in the state of

1 New York, with -- at that time, as I recall, the supreme --
2 well, the court of appeals, I guess, of New York was thinking
3 about having a rule that required all lawyers, as a condition to
4 practice, to use a certain number of hours with pro bono work,
5 that you couldn't practice law without doing that. And that was
6 becoming a topic of conversation around the state.

7 Our -- I was not in favor of mandatory pro bono, but we
8 had had a committee working for a while up to then on putting
9 together a voluntary pro bono program in Alabama. I had been
10 involved in that some before. And that was one of the things
11 that we finished and that I wanted to spend a little more time
12 making sure it was finished during my term was putting together
13 the Alabama State Bar Volunteer Lawyers Program, which provided
14 a network of volunteer lawyers around the state who would
15 volunteer to give a certain amount of time to representing
16 people who couldn't afford lawyers in civil matters. And we
17 hired a director and got that off the ground, and it's going
18 very strong now. It's a program that I was very proud of, a
19 very necessary program.

20 MR. BOYD: That issue of mandatory pro bono came up
21 later in a question to you in your confirmation hearing; is that
22 right?

23 JUDGE ALBRITTON: It did. When I was before the Senate
24 Judiciary Committee, Senator Cole asked me -- he said that he
25 had noticed that -- in a column that I had written in

1 the *Alabama Lawyer*, magazine of the State Bar, that I had
2 written that I was opposed to mandatory pro bono. And he wanted
3 to know why, why I was opposed to it.

4 And I told him that I was opposed to requiring lawyers
5 to give free work to the poor just as I was opposed to doctors
6 being required to give free medical attention to the poor or
7 grocers being required to give free groceries or filling station
8 owners to give free gas or other things like that, but that I
9 was glad he asked the question because the context of the
10 article that I had written in the *Alabama Lawyer* was that those
11 of us who were opposed to mandatory pro bono, lawyers being
12 required to do this, had a particular responsibility to make
13 sure that this was done on a voluntary basis. Because I felt --
14 and feel now -- that lawyers have an ethical and moral duty to
15 assist people who cannot afford legal services and that it's one
16 of the highest things that a lawyer can do is to provide legal
17 services to the poor, not to be required to do it but to do it
18 because they want to and because they feel they should.

19 So the article was introducing the Alabama State Bar
20 Volunteer Lawyer Program, which we had just kicked off and had
21 gotten a director hired. And it was urging all the lawyers in
22 the state to participate in it because of the responsibility
23 that they had, not to be required to do it but to do it because
24 they ought to do it.

25 And I don't think I had this in the column, but I've

1 had many occasions to tell lawyers, in pushing their
2 responsibility to do pro bono work, that it might sound a little
3 corny, but it was absolutely true that they would never collect
4 a fee in their practice of law that would give them a better
5 feeling than the tears on a poor widow's face in a case that
6 they had handled for them for free. And that's true.

7 MR. BOYD: Judge, not only were you involved in State
8 Bar activities, but you were involved in supporting the
9 University of Alabama Law School in various ways. And I believe
10 you were involved with the law school foundation; is that right?

11 JUDGE ALBRITTON: Well, that's right. The law school
12 foundation is the organization that handles contributions that
13 are made to the law school for various programs. And I've been
14 on the board of directors of the law school foundation for a
15 number of years. My father was one of the founders of the
16 foundation, worked closely with it. And I served on the --
17 still serve on the board of directors of it and served as
18 president one year.

19 We -- my family has a fund there that has now -- it's
20 has been accumulating through the years, but a few years back,
21 we had enough to start it. And we have sponsored a lectureship
22 there. We've had three Supreme Court justices down to speak at
23 the University, give lectures at the University as part of that
24 program. And that's one of the things that has been done.

25

INVOLVEMENT IN POLITICS

MR. BOYD: Judge, let me move to another area and talk for a moment about your involvement or interest in politics and get you to comment and describe some of your political involvement and the political involvement of some of your ancestors there in the Albritton family.

JUDGE ALBRITTON: Well, I was involved in campus activities at the University. As you mentioned a while ago, I was vice president of the student government association. And part of the responsibilities for that was to serve as president of the student legislature. I believe you did the same thing when you were up there, Dave.

MR. BOYD: Yes, sir.

JUDGE ALBRITTON: And I believe involved in all the various political activities associated with that sort of thing and had a considerable interest in that.

When I came back home, I came into a family that had been politically active in different ways. My father had been on the state Democratic Executive Committee for 20 years, was not at the time I came back; he was off of it. My Uncle Bill had been chairman of the Covington County Republican Party for a number of years. I think he and three or four other people made up the Covington County Republican Party and he had been the chairman of it, though there wasn't much Republican activity at that time in 1962, but it was beginning in Alabama.

1 And I got involved in 1964 in the Barry Goldwater
2 campaign. And between '62 and '64 and around in that period, I
3 got involved and active in the statewide movement to build a
4 Republican Party. A two-party system was what we were
5 particularly interested in. We felt that it would be best for
6 the state if it had a strong two-party system so that Alabama
7 was paid attention to by both parties. And so this was sort of
8 the time of the building of the modern-day Republican Party that
9 I was involved in.

10 After the -- what's called the Goldwater sweep in '64,
11 people around the state felt like this was going to be the year
12 of the realignment of parties in 1966. And so quite a few
13 people from around the state -- and I was included in this --
14 decided to be a part of the team that was going to do that.
15 This was the year that George Wallace couldn't run for
16 reelection because he was prohibited from succeeding himself as
17 governor, as, of course, at that time a very powerful governor.
18 Their idea was that he couldn't succeed himself, so -- and on
19 the heels of the Goldwater sweep in '64, this was the ideal
20 time. The Republicans nominated Jim Martin to run for governor,
21 a very attractive candidate, John Grenier from Birmingham, who
22 was the chairman of the state Republican Party, to run for the
23 Senate and put together a slate of candidates for the
24 Legislature all over the state. And I ran for the state Senate
25 on a Republican ticket. It was a very unusual thing in our part

1 of the state at that time to have anybody running on the
2 Republican ticket. The district was -- senatorial district was
3 Covington, Butler, Crenshaw, and Lowndes County.

4 So we got into -- after committing to run and everybody
5 got on the ticket and everything, then all of the sudden,
6 Governor Wallace decided to run his wife for governor.
7 Everybody laughed about that at first, but everybody quit
8 laughing pretty soon. It turned into a very serious matter. As
9 we got into the campaign, it became obvious that that was the
10 only issue. I would go around to -- I'd go in a country store
11 and start talking to somebody about what I wanted to do about
12 education, about bringing industry and things of this nature,
13 and then I'd stop for a minute and somebody would say, well, are
14 you for George? They didn't talk about being for Lurleen. It
15 was all, were you for George. And I'd say, well, you know, I
16 want to be able to work with whoever is elected governor. I
17 have -- I want to do what's best for the people of my district.
18 And when I get there, I want to be able to work with whoever is
19 elected governor. And he'd say, uh-huh, you ain't for George.
20 So that's what the campaign was all about. I went down in
21 flames along with everybody else.

22 MR. BOYD: Who was your Democrat opponent?

23 JUDGE ALBRITTON: Alton Turner was a very powerful
24 Democrat at that time, very closely aligned with Governor
25 Wallace. And his campaign cards had him in the middle, George

1 Wallace on one side, and Lurleen Wallace on the other side.

2 I'll never forget coming back the day before the
3 election. Jane and I were in our old, beat-up car driving down.
4 I was 29 years old at the time and didn't have any better sense
5 than to do all this. And we had Hal and Ben. Tom was on the
6 way at the time.

7 And we were coming down -- we had been up in Crenshaw
8 County shaking the bushes there at the last day, doing all we
9 could. And we came through Luverne, stopped at a traffic light
10 and saw my opponent, Alton Turner, coming out of a store in a
11 sports shirt and had a golf bag hanging over his shoulder and
12 was getting in his car. And he was heading out to the golf
13 course. He came over and spoke to us, said hello, and I said
14 hello too, and we drove on. And I thought, you know, this is
15 really bad; he's heading to the golf course, and I'm still
16 pathetically trying to shake a few more votes out.

17 Fletcher Jones also ran at that time as an independent,
18 so it was a three-way race. But it wasn't a race at all.
19 Alton, who was a very effective legislator, won going away.
20 That ended my career in thinking about wanting to run for
21 office, but it was an interesting and a humbling experience.

22 MR. BOYD: Alton Turner was from Crenshaw County;
23 right?

24 JUDGE ALBRITTON: That's right.

25 MR. BOYD: He's a lawyer, if I'm not mistaken.

1 JUDGE ALBRITTON: He was.

2 MR. BOYD: There in Luverne?

3 JUDGE ALBRITTON: Yes. He was a lawyer.

4 MR. BOYD: And you probably ran into him not only
5 politically but probably in cases from time to time.

6 JUDGE ALBRITTON: Oh, we did. Alton was a good lawyer,
7 a good legislator, and a friend.

8 MR. BOYD: Judge, you did some service on the state
9 Republican Executive Committee.

10 JUDGE ALBRITTON: I did. I served about ten years, I
11 think, on the state Republican Executive Committee and served
12 for a number of years as Republican county chairman in Covington
13 County. My active political involvement had sort of waned for
14 several years before I was appointed to the bench. When I got
15 so involved in State Bar work and with a law practice that was
16 continuing to be demanding, my active involvement in politics
17 sort of waned in the later years of my practice.

18 MR. BOYD: But you were busy with other things too
19 there in Andalusia, because I know you were involved in various
20 civic and community affairs there in your hometown. Tell us
21 about some of that involvement over the years.

22 JUDGE ALBRITTON: Well, I did it all, I guess, as you
23 do in a small town or that you should do in the cities too. I
24 was involved and a member of the Rotary Club, president of the
25 Rotary Club. I was very involved with Chamber of Commerce work,

1 president of the Chamber of Commerce down there one year. I
2 served on the hospital board and served on the arts council and
3 all of that sort of thing.

4 I think it's very important for everybody to
5 participate in civic matters like that. And most lawyers do.
6 That's -- you know, that's one of the things that lawyers don't
7 tend to get credit for. People think of lawyers as being pit
8 bulls in the courtroom or something; but they forget that every
9 time you see community activities going on, whether they be
10 civic clubs or Little League baseball or any of these other
11 things, that there are lawyers actively participating in it. So
12 I did all that.

13 After coming to Montgomery, I've not done things
14 outside of the Court. Some of the things are not appropriate
15 anymore, I think, but -- so I haven't been involved in that
16 since.

17 THE FEDERAL BENCH

18 MR. BOYD: Judge, when and under what circumstances did
19 your interest in becoming a federal judge develop?

20 JUDGE ALBRITTON: Well, through the years and in trying
21 cases all around, I, for a long time, had in the back of my mind
22 that at some point being a judge would be something I would like
23 to do, particularly interested in the federal bench after trying
24 cases in federal court through the years, trying some cases
25 before Judge Frank Johnson and Judge Bob Varner and Judge Truman

1 Hobbs and Judge Myron Thompson. I tried cases before all of
2 them, and I particularly enjoyed practicing in federal court.
3 It was always something sort of lurking as a -- in the back of
4 my mind, as I guess it may be for a lot of trial lawyers.

5 When -- in 1990, when it became apparent that there
6 would be an opportunity, I -- Jane and I talked about it. And
7 we decided that, you know, if there was ever going to be a time,
8 this was the time, or pass it by and forget about it. So the
9 first thing that we knew was that Judge Hobbs was going to take
10 senior status, which would open a spot. Not too long after
11 that, Joel Dubina was -- it became known that he was going to be
12 appointed to succeed Frank Johnson on the Eleventh Circuit,
13 which would open another slot for a district judge here and that
14 there would be two vacancies.

15 So being in my early fifties at that time and that
16 being the time or forget it, we agreed that I'd let it be known
17 that I was interested in it. And it kind of went from there.
18 It was a long process. It -- from the time I first was talking
19 some about it until the time I was sworn in I guess was at least
20 18 months or so. It was quite a period in my life, trying to
21 practice law and trying to do that as well and not knowing what
22 was going to happen.

23 MR. BOYD: Elaborate a bit, if you will, Judge, on just
24 what the process was, the process that you went through, the
25 process in which you were involved that led to your nomination,

1 your appointment.

2 JUDGE ALBRITTON: Well, at that time, of course, we had
3 a Republican president, George Bush. We had two Democrat
4 senators, Howell Heflin and Richard Shelby, who was a Democrat
5 at the time. When the Senate -- the state has a senator or
6 senators in the same party as the president, the senators are
7 the ones that have the real active role in the appointment of
8 the federal district judges. When the senators are not from the
9 same party as the president, they don't have that same role.
10 They may have some involvement, some involvement to the extent
11 of opposing someone; but from the point of making selections,
12 they are not in that role.

13 So at that time, there was a committee in the state,
14 the -- about five people who were involved in screening folks
15 and what have you. After a good while, it boiled down to, I
16 don't know, three or four names -- four, I think -- who --

17 MR. BOYD: Were both -- were both -- excuse me for
18 interrupting, but were both the vacancies in play at the same
19 time?

20 JUDGE ALBRITTON: Yeah. There were two openings at the
21 same time. And by that time, Judge Dubina had been appointed
22 and had gone on the Eleventh Circuit, and so there were two
23 vacancies.

24 From that group of four, I believe it was, everybody
25 was invited at different times to go up to Washington to meet at

1 the Justice Department for the interviews. I went up there. I
2 really didn't know what to expect. They didn't tell us what to
3 expect, just come up there.

4 I got there and was interviewed by five different
5 people and really sharp folks there in the Justice Department.
6 I was very pleased to find that I was not asked any litmus-test
7 type questions. I wasn't asked how I would rule on a particular
8 issue or what my stand was on any controversial issue. There
9 was -- I'd meet with one lawyer in just a one-on-one, then be
10 escorted to another office to talk with that person. And they
11 asked a lot about my background, about my type practice, about
12 why I wanted to be a judge. Then they asked things like what I
13 viewed as the role of a judge. They were interested in --
14 although not in talking about specific issues, they were
15 interested in my feeling about what a judge's role was and that
16 sort of thing. So I was very comfortable with all those
17 interviews with four different lawyers.

18 And then they said, now, your final interview is with
19 someone else, and he's in the basement. They told me the room
20 number. So I got on that elevator and went down to the basement
21 and found the room. Well, this was not a lawyer. This was the
22 political guy. Nice fellow, but this is where -- he was kind of
23 the political screener.

24 So I went in. I was shown into his office, and I sat
25 down. He said, now, Mr. Albritton, you'll see that I don't have

1 any recording going on. I'm not taking any notes. This is just
2 us talking. So I said, well, you've got a good memory, I'm sure
3 of that. And he said, I want you to -- you've got to lay it on
4 the line with me. I want everything you say -- don't you tell
5 me anything that's not absolutely right. I said, well, no, I
6 wouldn't think of it.

7 He said, I want to know if there's anything about you
8 or about your background or about your life that you haven't
9 told us about that might in any way be embarrassing to the
10 President. We don't want him to get out on a limb nominating
11 you for this position and then be surprised by something. He
12 said, you're being seriously considered for this job, and you
13 owe it to him and you owe it to us to not let us be surprised in
14 any way. If there's something that you don't know whether it
15 would hurt or not, tell me. Let us be the ones to decide. But
16 if there's anything that could be dug up or come up, let's do it
17 now because we need to -- you need to know it as well as we as
18 to what the effect is going to be. Might not disqualify you.
19 Might be fine. But now is the time to handle it. Let us be
20 the --

21 I -- you know, I had told them everything I knew, but I
22 was just -- I was thinking just as hard as I could, well, is
23 there something I've forgotten about that might have anything --
24 I couldn't think of anything. I told him, no, I didn't.

25 He said, well, he said, now, let me ask you

1 specifically have you ever run around on your wife? And I said,
2 no, I surely haven't. He said, have you ever been involved in
3 drugs? No. He said, have you ever -- would there be anybody
4 coming forward to say you were bad to get out somewhere and
5 dance on the tables? I told my children about that when I came
6 back from Washington, and they got a real laugh. That didn't
7 sound like their image of me at all.

8 But he -- I said no to all that. He said, have you
9 ever been stopped by the police for anything? I said, not other
10 than a speeding ticket. And he said, how many speeding tickets?
11 And I said, oh, I -- two or three over the years. And he said,
12 do you have a radar thing in your car? And I said, no. He
13 laughed and he said that may sound silly, but we had two people
14 who were being considered for a judgeship and they were very
15 close in qualifications. And one of them had a radar detector
16 in a car where it was against the law, and that decided it.

17 And he said -- and he started telling me, this is an
18 important position and it's something that, I'm telling you, we
19 need to know everything there is to know about you and that's
20 why I'm asking you these questions. I said, fine. So we went
21 on like that a while, and I think I came out of it clean, and I
22 left. I was kind of drained after that last one, though. It
23 was quite different from the first four. So then I came home
24 and waited and waited and waited.

25 MR. BOYD: Now, my understanding is that at some point

1 during this process, the FBI, the Federal Bureau of
2 Investigation, conducts some sort of investigation of
3 appointees. Did that come before or after your name was
4 actually sent up to the Senate by the President?

5 JUDGE ALBRITTON: Oh, it came before. I -- the first
6 thing that happened, it was quite a while. It was a few months
7 after I had been to Washington. I got a call from -- I think it
8 was someone in the legal counsel to the President's Office and
9 told me that the President had decided that I would be nominated
10 for one of these vacancies if I -- everything cleared. And they
11 said, now, what we'll have to do first is have an FBI
12 investigation made, and then the American Bar Association will
13 do an investigation. It's in your best interests not to say
14 anything about this at this time because if you don't clear one
15 of these things, the President never heard of you. Said,
16 he's -- there's nothing official about this, and you will not be
17 nominated if there's a problem. We're sure there won't be a
18 problem and all this, you know; and they said, but, you know,
19 you would be well advised to just keep this completely to
20 yourself just in case because nothing will be done unless all
21 this turns out. So I said, fine.

22 And so then I heard from -- this was, I guess, in
23 December of 1990. They said, you'll be hearing from somebody
24 from the FBI. So I got a call from the FBI agent. He was
25 stationed down in Brewton. And he said, I want to come up and

1 do an interview of you. It's going to take a good bit of time.
2 I'd like to come up tomorrow if you can schedule it. And I told
3 him I could. He said, now, the first thing that we're going to
4 need to do is take your fingerprints. And our portable
5 fingerprint machine is broken, but your office is right across
6 the street from the police station there in Andalusia, so we'll
7 just walk over there and have it done. And I said, to hell we
8 will. You know, in a town the size of Andalusia, me walk across
9 with an FBI agent to the police station to be fingerprinted? I
10 don't think so.

11 I said, but it just so happens that my son Hal is a
12 municipal judge, and I think he can arrange to have the
13 fingerprint machine brought across the street to us. And he
14 said, well, that will be fine. So he came up and we did that.

15 During the course of that interview, he did kind of
16 like the political guy in Washington. We got through with
17 everything; and he looked at me with these steely eyes and he
18 said, now, is there anything, anything, you haven't told me
19 about? And I said, I'm sure there are a lot of things, but I
20 can't think of anything that would make any difference. And he
21 said, you know, that's the final thing that we put in the report
22 is he was asked if there was anything else that he wanted to
23 disclose. And I'm going to put down no. And if anything comes
24 up, it will look as though you were hiding it, so that's the
25 reason I'm asking this now. And I said, okay, I've told

1 everybody who has asked everything I can think about in my life.

2 I had filled out a form for the FBI that listed
3 everything from -- well, we had to list our neighbors all the
4 way back to the time I moved away from home, so our neighbors in
5 college, our neighbors in the Army and our neighbors in
6 Andalusia, everywhere else, every organization I had ever
7 belonged to, all this sort of thing. So my life was an open
8 book.

9 I -- at that time, I remembered someone telling me that
10 she was -- had been considered or was being considered for some
11 political appointment in the administration; said after going
12 through the FBI investigation, she decided that she'd rather
13 just take her clothes off and walk down the middle of the street
14 in downtown wherever it was than to go through that again. It
15 was a -- it was something. And it was. But it's -- you know,
16 it's important. It's necessary.

17 The FBI then came in and began their investigation,
18 which was another thing there in my little community of
19 Andalusia.

20 MR. BOYD: And I guess that was followed by interviews
21 with the representatives from the American Bar Association.

22 JUDGE ALBRITTON: It was. When the FBI investigation
23 turned out no problem, then it went to that. They came in with
24 a -- they told me -- the FBI people told me that they were
25 trying to expedite this investigation because they really were

1 trying to fill these seats as soon as they could. They were
2 being pushed to do it, so they were going to bring in a team of
3 six people to do the investigation there in town. And they --
4 all this was supposed to be secret, you know, but they -- the
5 six of them set up in an office over in the sheriff's office.

6 The day after they started, I came home that night and
7 Jane said, well, she said, I've got to tell you. A neighbor
8 hailed me down as I was coming home and came over and said,
9 Jane, I hope I haven't done anything wrong, anything that would
10 be a problem for Harold. And she -- I said, what are you
11 talking about? And he said -- he ran a store downtown. He
12 said, well, this guy came into my store today, and said, he had
13 on a coat and tie and an overcoat on and came in and he said,
14 I'm looking for So-and-So; and I said, that's me. And he
15 said he reached in his pocket and he pulled out something and he
16 flipped it open and he said, I want to talk to you about Harold
17 Albritton. And he said, I looked at that thing and I said,
18 that's not Harold Albritton. He said the fellow said, I know
19 it's not; that's me. That's my FBI credentials. He said, okay.

20 So he said he went on and talked with him. He said, so
21 I hope there's nothing wrong and that doesn't hurt. And --

22 MR. BOYD: Who conducted the ABA interview with you?
23 Do you recall?

24 JUDGE ALBRITTON: I'm trying to remember her name.
25 She's from Florida. I'm sorry. I can't remember her name. Rod

1 Nachman had been involved in that and introduced me to her. She
2 was from Tampa, and her name escapes me at the moment. But I
3 came up to Montgomery and met with her and went through -- had
4 to fill out another form for the ABA, a long bunch of things all
5 about your law practice and the kind of cases you'd handled and
6 talk about I think it was ten particular cases of yours that
7 came to mind and who the other lawyers were on it and who the
8 judge was on it and all sorts of stuff like that. And I met
9 here in Montgomery with her.

10 MR. BOYD: And eventually, President Bush sent your
11 nomination to the Senate, and you went through the Senate
12 confirmation process.

13 JUDGE ALBRITTON: I did. Before it was sent in, I --
14 after all this had been going on, it -- we waited a while after
15 the investigations had been done. And then one day, I -- our
16 receptionist buzzed me, and I picked up. She said, the White
17 House is calling. I said, okay. So I picked up, and it was
18 somebody at the -- in the legal counsel's office and said,
19 everything has gone fine, President Bush wants to find out if
20 you would be available to talk to him tomorrow morning at nine
21 o'clock. And I said, yes, I believe I would be.

22 So the next morning, he called and -- the President
23 called and he told me that he would -- had determined that he
24 wanted to nominate me to be United States District Judge for the
25 Middle District of Alabama and hoped that I would accept the

1 appointment. And I told him that I was very honored and
2 appreciated it.

3 And we talked for a while. It was quite a rush. It
4 was shortly after the end of the Gulf War, and so it was a time
5 when President Bush was riding very high and had done some real
6 impressive things. And I talked to him a minute about that. He
7 talked to me a little bit about some things he knew about me
8 that he commented on, which I appreciated. And I told him I was
9 very -- would be very happy to accept the nomination and hung
10 up. And then they sent it over to the Senate, and then a whole
11 new investigation began. I had to fill out a whole bunch of
12 other forms, and we started there.

13 MR. BOYD: Was there anything about the confirmation
14 process that stands out in your mind? You mentioned the
15 questions that you got from one of the senators about your
16 article about mandatory pro bono. Anything else? Did you have
17 the support -- obviously, you did -- of the Alabama senators?

18 JUDGE ALBRITTON: Yes, I did. Senator Heflin and
19 Senator Shelby were both very supportive of me, as was
20 Congressman Dickinson. And I did get calls from staffers from
21 both the majority and minority sides in the Senate. I got a
22 call from a staffer from the Democrat side that wanted to talk
23 about organizations I was in. And one of them -- I had listed
24 the Bluewater Bay Sailing Club. At that time, we were into
25 sailing down at -- in Florida. And she wanted to know if there

1 were any women members of the Bluewater Bay Sailing Club or if
2 they excluded women. And I said, you know, I just belong to it.
3 I've been in two races, and I don't really know. I've never
4 looked into the membership. All I know is that the second --
5 the only other -- well, the second and only other race I've been
6 in was won by an all-woman crew. Now, whether they were members
7 of it or not, I don't know. And we talked about that a good bit
8 and other things.

9 I -- when I went up to be questioned by the judiciary
10 committee, I was happy to be considered a noncontroversial
11 nominee. And I went up at the same time as about -- I think it
12 was five other nominees, four or five other nominees from around
13 the country, and we went through the thing together. They took
14 us one at a time and questioned us.

15 Senator Heflin was there on the committee at the time
16 and was very supportive and appreciative. One of the questions
17 he did ask me was -- I referred to earlier. He said, I want
18 your commitment that if you -- if your nomination clears, that
19 you will remember always that you were appointed and not
20 anointed. And I said, Senator, I've had occasion to say that
21 about so many other judges over 30 years of practicing law that
22 I know exactly what you're talking about, and you have my
23 commitment.

24 Senator Shelby was there in support of me and
25 Congressman Dickinson came and spoke on my behalf, and it

1 went smoothly. We got through with it. And Jane was with me.
2 And we went out and had a big dinner and relaxed for the first
3 time in about 18 months, I think.

4 MR. BOYD: And you were, after being confirmed, sworn
5 in as United States District Judge in May of 1991.

6 JUDGE ALBRITTON: Right.

7 MR. BOYD: And at that point, you and your wife, Jane,
8 moved from Andalusia, your home for many years, to Montgomery,
9 where the -- which is the site of the courthouse for the Middle
10 District.

11 JUDGE ALBRITTON: Right.

12 MR. BOYD: Was it hard for both of you to leave
13 Andalusia after all those years to come to Montgomery?

14 JUDGE ALBRITTON: It was very hard. We had many
15 friends. We, of course, had family there in Andalusia. It was
16 hard to sell our house, hard to move. It really would not have
17 been practical or worked at all to try to commute from Andalusia
18 to Montgomery. We didn't feel it would be -- and had said this
19 for a long time -- didn't feel that it would be fair to the
20 Court, to the lawyers, the litigants, or anybody else to have me
21 having to make that trip back and forth and felt that I should
22 move to Montgomery -- we should. So we did.

23 But yes, we sold our house, the house that I -- or part
24 of it -- that I had lived in as a baby. And our son Hal and his
25 wife and daughter were there in Andalusia. And the others were

1 not yet, but -- so we had to leave them and come up here. But
2 it's not that far away, you know, about an hour and a half, so
3 we see a lot of each other. And it was difficult. We knew a
4 number of people in Montgomery from college days and from the
5 years of practicing law, so it wasn't like coming into an
6 unknown community. And we've loved Montgomery since we've been
7 here.

8 SERVICE AS U.S. DISTRICT JUDGE

9 MR. BOYD: Judge, I'd like to ask you to talk for a few
10 minutes, if you will, about your service as United States
11 District Judge here in the Middle District. And let me begin by
12 just asking you, if you would, to tell us a little bit about
13 your philosophy on the role of the Court and the role of a judge
14 sitting on the Court.

15 JUDGE ALBRITTON: Well, it's become sort of trite from
16 overuse of somebody saying the role of a judge is to interpret
17 the law and not make the law, but I believe that. And it's an
18 overworked way of expressing what I feel about it. The -- in
19 the three branches of government, the legislative branch and the
20 executive branch really have a responsibility of making the law,
21 proposing the law, deciding on policy bases what the law should
22 be. A judge can't do that, should not do that. A judge's role
23 should be to try to determine what the law is as passed by the
24 Legislature or as developed through the years and not what he or
25 she would want the law to be, not try to change the law.

1 A judge has got to come to the bench with no agenda. A
2 member of the Legislature or a governor or president has got an
3 agenda, needs to have one or doesn't have any business wanting
4 to be in that position. That's their job to try to pass laws
5 that they think would be beneficial to the people. A judge
6 can't think that way. A judge can't think about results or
7 think about I want to use my role as a judge to save the world,
8 to make changes. My view of the role of a judge is that he or
9 she is in that position to resolve disputes.

10 In the course of doing that, what a judge does often
11 has widespread results outside of the effect on that particular
12 case, but a judge's ruling shouldn't be based on what those
13 effects are going to be outside the case. A judge's ruling
14 should be based on what the law is in that case and determining
15 that dispute. The effect of it is something that you think
16 about but shouldn't be a reason for your ruling.

17 In my view, a judge should not be result-oriented.
18 There have been quite a few times since I've been on the bench
19 that -- and it's this way with all judges -- of ruling in a
20 particular way in a case that I would rather not rule that way.
21 I wish the law were different. If I were a member of the
22 Legislature, I'd -- or a governor or president, I'd like to make
23 it different. But as a judge, that's not my prerogative. And I
24 have to try to determine what the law is and then just rule down
25 the line with -- the best you can determine as to what the law

1 is.

2 MR. BOYD: Judges are often asked to talk about the
3 cases they've handled that are the most important cases or cases
4 of the greatest significance. How would you respond to a
5 question like that?

6 JUDGE ALBRITTON: I really try not to think in terms of
7 significance of the case. I don't know exactly what that means,
8 a significant case. All cases are significant to the parties in
9 them. There's not a lawsuit involved that's not important to
10 the people involved. I don't know whether a significant case is
11 one that stirs up a lot of interest in the press because of the
12 facts or whether it's something that is recognized as something
13 that will have widespread effects outside the case on other
14 people. I don't know whether it's significant because of the
15 results and people -- some people like the results, some people
16 don't like the results.

17 I think if a judge thinks in terms of a case being
18 significant that it gets -- it's dangerous. It gets -- it can
19 put you in a position of getting result-oriented. So I really
20 don't like to think of cases that I have as being significant or
21 not significant. I've been involved in a number of them that
22 have gotten press attention. You know, that's part of it. But
23 I personally don't like to single out a case and say this --
24 these are significant cases that I have been involved in.
25 They're all significant to the parties, and they're all

1 significant to me.

2 In the course of judging -- you know, I was thinking
3 about -- before this interview, I was thinking back to the oath
4 of office, and I pulled that out. I think it's important to
5 keep and remember this. This is what I swore when I came into
6 office and what others do -- judges.

7 I solemnly swore that I would administer justice
8 without respect to persons and do equal right to the poor and to
9 the rich and that I will faithfully and impartially discharge
10 and perform all the duties incumbent upon me as United States
11 District Judge under the Constitution and laws of the United
12 States, so help me God.

13 All of that is significant, but I've always thought
14 that one part of it that was particularly significant was a
15 judge swearing to do justice -- to do equal right to the poor
16 and to the rich. It doesn't say try to help the poor. It
17 doesn't say try to protect the rich. It reminds a judge that --
18 it says equal to all and that a judge doesn't come in with an
19 agenda, like I said earlier, that I'm going to come in here and
20 I'm going to change the world, I'm going to make things better
21 for everybody. We all would like to do that, but that's not the
22 role of a judge. And I think a judge needs to keep focused on
23 the fact that you're here to do equal justice, not just to the
24 poor, not just to the rich, but to both.

25 And in the course of that, I think a judge has to be

1 careful in a case that he or she has not to expand what you do
2 in a case beyond what's necessary in determining the case and
3 resolving the dispute. It's tempting sometimes to take a case
4 that -- where you could go farther and issue some rulings in
5 ways that might have an effect that you'd like to have; but if
6 it's not something that's necessary to the determination of the
7 case, you shouldn't do it. Judicial restraint is a serious part
8 of what I believe in as a judge. And it's necessary in
9 maintaining that equal right and equal justice.

10 On the other side of the coin -- and this is just as
11 important, and it's something that we're going to have in our
12 new courthouse. We're going to have a conference room for the
13 judges in the new courthouse. And one of the things that's
14 going to be in there -- one of the artists who's doing work over
15 there is going to put a quotation on the wall. It's going to be
16 painted on there. And I selected one that he's going to use
17 that I think -- that will be there when we're all meeting. And
18 I'll read it to you. It's from Chief Justice Marshall back in
19 1821. It's from a case of *Cohens versus Virginia*, and this is
20 what it says, and it's what it will be saying to us in the
21 conference room. And this is the other side of the coin of what
22 I was talking about on judicial restraint.

23 It says, "The judiciary cannot, as the Legislature may,
24 avoid a measure because it approaches the confines of the
25 Constitution. We cannot pass it by because it is doubtful.

1 With whatever doubts, with whatever difficulties, a case may be
2 attended, we must decide it if it be brought before us. We have
3 no more right to decline the exercise of jurisdiction which is
4 given than to usurp that which is not given. The one or the
5 other would be treason to the Constitution. Questions may occur
6 which we would gladly avoid, but we cannot avoid them. All we
7 can do is to exercise our best judgment and to conscientiously
8 perform our duty."

9 And that's the guiding light of what we should be
10 about.

11 MR. BOYD: How has your experience as a trial lawyer
12 for some 30 years helped you as a judge?

13 JUDGE ALBRITTON: Well, I hardly ever sit on a case
14 that something doesn't pop in my mind about a case that I was in
15 where I was on the other side of the bench. You go through that
16 long of a time of trying lawsuits and you have so many
17 experiences that you very often call on that experience rather
18 than having to look something up. So it's been very beneficial
19 as far as just familiarity with the rules of procedure and the
20 rules of evidence and things of that nature.

21 I guess another way that it's helped is being before
22 different judges over 30 years' time, you kind of get some
23 opinions as to what judges should do and what they shouldn't do,
24 and you like some things that have been done, and you don't like
25 some other things that have been done. And I had many occasions

1 through the years to say that if I were ever on the bench, I
2 wouldn't do that; if I were ever on the bench, I'd like to do
3 just like that.

4 And one thing from quite a few years -- well, I may
5 not -- ought not be too expansive on this because it didn't
6 happen often, it didn't happen with many judges -- but on
7 occasion of having the experience of sitting in a courtroom with
8 a whole courtroom full of other lawyers for a docket call or
9 something and sitting there burning up a client's time for an
10 hour with no judge and then have a judge breeze in the door, no
11 apology for being late or no nothing and be gone, I vowed more
12 than once that that would never happen if I got on the bench.
13 And I do my best to keep it from happening.

14 MR. BOYD: I'm sure there was a lot to learn when you
15 became a judge. In our earlier discussions, you related to me
16 a -- I thought a particularly interesting story about your first
17 criminal arrangement -- arraignments when you went on the bench.

18 JUDGE ALBRITTON: Yeah. That came after I'd already
19 been through -- when you first come on, they take you with a few
20 judges -- I went over to Atlanta, actually the week before I was
21 sworn in, with five other new judges, and we spent a week over
22 there with some video presentations and a district judge sitting
23 there with us, working with us on into the evening for a week,
24 and then, not long after that, went to Washington to -- judges
25 go through what we all call baby judges school. There were

1 about 50 of us up there, new judges, for a week going through
2 lectures and what have you and things about how to be a judge
3 procedurally.

4 But this was one of the things they didn't teach me
5 about. The first time I had an arraignment where we had a bunch
6 of defendants out there to call to plead guilty or not guilty,
7 we had a case that had several defendants in it. It was a drug
8 case. And so I started calling the names and having them come
9 up. And I'd call whatever the first name, second name. Got
10 down about five ways down, and I said, Joseph Lnu. Nobody stood
11 up. And I said, Joseph Lnu. Nobody stood up.

12 I said, is anybody in this courtroom representing
13 Joseph Lnu or is he here? Mr. Marshal, do we need to send out
14 for him?

15 And one of the assistant U.S. attorneys stood up and
16 said, Your Honor, the L-N-U there stands for last name unknown.
17 We haven't been able to find this man.

18 Well, I wanted to say, well, of course, I knew that,
19 but I had called Lnu too many times to get away with that, so I
20 said, well, thank you. You've just taught a new judge
21 something. And we went on from there.

22 MR. BOYD: And I think there was also an interesting
23 incident that relates to your first criminal case that you
24 tried.

25 JUDGE ALBRITTON: The first criminal case I tried,

1 interestingly, came out of Andalusia. And two people were being
2 tried for charges that they had sold marijuana in a car one
3 night in a parking lot outside of Andalusia High School. And
4 they had been under surveillance. And it was a sting operation.
5 An undercover policeman had lined it up with them to come in
6 that night, and he was going to make a buy. And there was talk
7 about weapons being involved. And the policeman or undercover
8 agent was testifying, and he said that he knew that these people
9 had guns because he had seen them in the car and all.

10 And the prosecutor asked him who went out. And he
11 said, well, I -- my wife at the time -- she's my ex-wife now;
12 we've been divorced since -- but she was in the car with me, and
13 then went on to talk about when he got there and he started to
14 make the buy. And at that time, the police cars with the lights
15 blaring came whirring in and everybody jumped out with guns and
16 people were diving under cars and everything else. Finally
17 ended up -- anyway, he finished his direct testimony.

18 And one of the defense lawyers got up and he started
19 questioning. And he was trying to, I guess, attack his
20 credibility. He said, now, you say your wife was with you?

21 And he said, well, my ex-wife.

22 He said, y'all have been divorced since then.

23 Yep.

24 Said, did she work for the police department?

25 No.

1 Did she work for the sheriff?

2 No.

3 Did she work for any law enforcement agent?

4 No.

5 Didn't work for any law enforcement agent?

6 No.

7 Well, why -- you know, the question you don't know the
8 answer to, why do you ask it.

9 He says, well, why did you take your wife out to this
10 thing knowing that there were going to be guns and all this
11 going on? Why did you do that?

12 And he said, well, she had been coming in to me all the
13 time saying our life is so boring, you never do anything that's
14 any different. And so I thought, well, by golly, I'm going to
15 do something different with her, so I did. The jury just
16 howled. I had a hard time keeping a straight face.

17 MR. BOYD: Judge, tell us the judges that you've served
18 with here in the Middle District since you came on the bench in
19 1991.

20 JUDGE ALBRITTON: Well, of course, Judge Johnson was
21 gone by then. He was on the -- had just taken senior status on
22 the Eleventh Circuit, so I never served with him. I had
23 appeared before him as a lawyer. Judge Dubina had gone on the
24 Eleventh Circuit. In fact, his vacancy is the one that I
25 filled, so I didn't serve with him.

1 When I came on, Judge Varner, Bob Varner, and Judge
2 Truman Hobbs had both taken senior status and -- but they
3 continued working here. So they were handling cases at the time
4 and handling quite a few. Judge Hobbs still is; Judge Varner
5 has retired. But I served with both of them. It's interesting,
6 having tried cases before both of them through the years, and we
7 were working together.

8 Then Judge Myron Thompson was chief judge at that time.
9 The chief judge serves for seven years, and then it goes to the
10 person below them with the most seniority. So it alternates
11 like that. He was -- he was chief judge, and I have served with
12 him and enjoyed serving with him for the whole time I've been
13 here. The last case I tried -- jury case I tried before coming
14 on the bench, I tried here in Montgomery before Judge Thompson.
15 And it lasted about a week and a half, a products liability and
16 fraud case that I was trying. And he was then and is now a
17 great trial judge.

18 Then Judge DeMent, Ira DeMent, came on a while after I
19 did, and I've enjoyed serving with him since his appointment and
20 up until now. Those are the ones I've served with, all fine
21 judges, very dedicated to public service and I think performing
22 admirably.

23 MR. BOYD: You earlier mentioned the chief magistrate
24 judge, John Carroll. We also have a number of magistrate judges
25 here in the Middle District, and --

1 JUDGE ALBRITTON: We have four now. And they are as
2 fine as any magistrate judges you can find anywhere in the
3 country. Judge Carroll is the chief magistrate judge. Judge
4 Charles Coody is the other magistrate judge. Both of them have
5 been here the whole time I've been here. Judge Vanzetta Penn
6 McPherson is the next. She was appointed -- the magistrate
7 judges are appointed by the district judges. Judge Thompson and
8 I were the only two district judges at the time that appointment
9 was made -- Judge DeMent had not come on yet -- and we appointed
10 Judge McPherson. And then Susan Russ Walker is the fourth, and
11 she was appointed by Judge Thompson, Judge DeMent, and me. And
12 those are the four magistrate judges.

13 MR. BOYD: Lawyers who come to the courthouse
14 recognize, but perhaps the public doesn't as much, the unsung
15 heros in the courthouse and office staffs of the judges. And
16 I know that you'd like to mention some of those people who have
17 played such an important background role in the workings of the
18 courthouse and your office.

19 JUDGE ALBRITTON: Oh, absolutely. Well, in the overall
20 workings of the courthouse, Curtis Caver was the Clerk of Court
21 when I came on and served in that position for many years. He
22 retired a couple years ago and at that time was if not the
23 senior clerk in federal courts in the country, maybe second. He
24 was wonderful to work with.

25 Debbie Hackett has taken his place and is a delight.

1 She came over from the -- as you know, from the state court
2 system, where she served about 18 years as circuit clerk in
3 Montgomery. The clerk's office does a magnificent job.

4 The -- Bobby Longshore with the probation office has
5 recently retired, and Joe Nash has taken his place. They are --
6 they're just great.

7 In my office here, I have the wonderful benefit of
8 having I think who has got to be the best judicial assistant, we
9 call them now, not secretaries, that there ever was in Elna
10 Behrman. Elna was here in Montgomery, had been a legal
11 secretary for a number of years. In fact, her first job as a
12 legal secretary was for Albert Copeland. Worked for Albert for
13 about a year or so, who was one of the greatest lawyers -- trial
14 lawyers that this state has known. And she had a great deal of
15 experience with -- as a legal secretary elsewhere.

16 When I came up, I decided that -- I had a lot of people
17 applying for the job. I didn't want someone who had been a
18 judge's secretary, although I had applications there. I wanted
19 somebody who had been a lawyer's secretary and knew how I
20 thought and how I worked, and we'd learn being a judge together.
21 And she is just absolutely wonderful, a brilliant person, runs
22 the office administratively. And she's been with me ever
23 since -- we started together.

24 I've got another career employee. I have -- one of my
25 law clerks is a career law clerk. This is her fifth year with

1 me, and that's Lisa Harden. Lisa is -- Lisa was a Phi Beta
2 Kappa from Rhodes College and number one in her class at the
3 University of Alabama Law School, Law Review and everything else
4 you can think of. Clerked for me for a year and then we started
5 talking about staying, and she delighted me in agreeing to go
6 stay on for the long haul. So she's been with me for -- this is
7 her fifth year that she's started.

8 I have two other law clerks working with me now: Brian
9 Wahl from Dothan. Brian is a graduate of the University of
10 Texas Law School with a great record. And then Mike Boteler
11 from Maryland is a graduate of George Washington Law School.
12 Both of them are terrific -- one of the real joys of this job is
13 these law clerks. We get some of the finest, brightest people
14 from all around the country, many from here in Alabama, but many
15 from other places too, that -- and the experience of working
16 with them for a year or with Lisa three years is something that
17 just can't be described in too glowing of terms. It's a
18 wonderful experience. I've enjoyed every one of my -- if we had
19 time, I'd talk about all of them, but I know we don't have time
20 to do that.

21 MR. BOYD: Judge, before we move on to talk about other
22 things, I'd like you to make some observations on this point.
23 Thinking about your own law practice over the many years and
24 your more recent experience on the bench, how have things
25 changed, if they have? And what do you like and not like about

1 the court system or the practice of law as you see it today?

2 JUDGE ALBRITTON: Well, I hear people -- lawyers
3 talking all the time now -- and lawyers were talking this way
4 when I left too -- about practicing law not being what it used
5 to be. And I do think to a great extent it appears that for
6 various reasons, lawyers don't seem to think it's as much fun.
7 Lawyers who have practiced a number of years, so many of them
8 talk about, well, it used to be a lot more fun, a lot better.
9 New lawyers coming in are -- after a year or two, so many of
10 them are saying, this is not what I expected, I'm not real happy
11 with this.

12 I don't know, really, whether that's more now than it
13 used to be. I had those feelings before I came on the bench
14 that it was -- things were not as much fun. Things that -- I
15 think a lot of law practice has gotten maybe too commercialized.
16 The emphasis has been a lot on the business side of practicing
17 law.

18 I remember well in my early years of practice, one of
19 the things that was being pushed around the country in the
20 American Bar Association and elsewhere was that lawyers were not
21 getting the kind of income that they should because they didn't
22 use good business practices. And the push was on to -- I
23 remember when they started the push for the billable hour and
24 they started all this about what would produce more income. And
25 it was never done in a way of saying you do your client wrong or

1 you charge more than you should or anything. It was still
2 serving the client, but the idea was that you're not making the
3 income you should because you're not keeping up with your time
4 and you're not considering yourself.

5 So lawyers got in the business mode of keeping up with
6 billable hours and other sort of things, and that's produced a
7 situation where lawyers are making more money than they used to
8 but are not having as much fun as they used to. I think it puts
9 the emphasis on not spending time on nonbillable matters that
10 lawyers may have in the past. I think that's part of it.

11 The number of lawyers that are practicing now may have
12 an effect on areas of civility. Some lawyers don't get along
13 with others, and that's been a problem.

14 But these problems shouldn't detract from the practice.
15 There were things that were -- that I didn't like about the
16 practice of law. There are always things. Nothing can be
17 always a high. But I loved being a lawyer. I loved being a
18 trial lawyer. It's a great change from being the lawyer in
19 litigation to being the judge. You -- I found out very quickly
20 that it's not hard to get in the middle instead of on one side
21 or the other, even though you spend most of your career on one
22 side of the table. When you do a lot of trial work, you see
23 both sides of a case. You have to in order to be able to
24 represent your client. In doing so, you see that there are
25 merits on the other side. You understand the other side. You

1 also understand negatives about your side in a lot of ways.

2 And in coming on the bench, it has really -- I've not
3 felt that there was a problem in getting in the middle and
4 trying to be not swayed one way or the other because of prior
5 practice. I hope I've been able to do that. I -- it -- I feel
6 that I have.

7 But another of the big changes, you just -- you don't
8 have the highs that you did as a trial lawyer. I remember when
9 I was at baby judges school, one of the people that was talking
10 about being a judge said that Chief Justice Warren Burger used
11 to give a talk to new judges, and the title of it was "Judges
12 Don't Hit Home Runs." And that's true.

13 One of the great things of being a trial lawyer is the,
14 I don't know, almost adulation at times of a client, the
15 feedback you get from being successful. I know I've had
16 occasion to tell -- well, not long ago, we were having a trial,
17 and the jury finally came back and ruled in favor of one
18 particular party. And he was a great big guy. I mean, he must
19 have been six five or six, probably weighed 250 pounds. And his
20 lawyer was about my size, not very big. And his client reached
21 down and picked him up and hugged him, pulled his feet up off
22 the floor, and started crying. And you know, I walked out, and
23 I was about to cry myself. I told my law clerk, I said, this is
24 when I miss being a lawyer. This really is.

25 Now, while the jury was out, that's when I didn't miss

1 being a lawyer.

2 MR. BOYD: Judge, are there particular joys or
3 particular frustrations that you feel as you sit on the bench
4 today?

5 JUDGE ALBRITTON: Well, some of the real joys are
6 watching good lawyers perform. And you really do see a lot of
7 that. In federal court, we have some of the finest lawyers
8 around who try cases. And it's a thrill and a joy to see a case
9 well tried by good lawyers on both sides. That's just like
10 in -- as a trial lawyer. You'd always rather have a top-notch
11 trial lawyer on the other side of the case than somebody that's
12 not because it makes for a clean fight or clean case. They know
13 what they're doing. They know what they can concede and what
14 they have to fight on. And it's a great experience. It makes
15 the law work the way it should.

16 And that's the way it is when -- being on the bench too
17 to watch it going on. I'll have to confess I often would kind
18 of like to be over on the other side doing some of that that
19 they're doing on a very interesting case, but that has been a
20 pleasure, not to say that we don't have our share of lawyers who
21 don't perform to that -- in that way. We have that too, and
22 that's a frustrating part of it. You do see occasions where a
23 party's cause is hurt by poor quality of lawyering. That's part
24 of the system. Overall, it works very well.

25 It's been an intellectual challenge. It's been hard

1 work. I -- the first couple of times I made talks to judges
2 groups after I came on the bench, I said, you know, one thing
3 I've found out since I got here that I didn't know when I was a
4 lawyer, and that's that judges work hard. And nobody laughed.
5 After the second time, I realized they didn't think that was
6 funny, so I quit saying that. But I have found that -- I'll
7 have to still say I've found that judges do work harder than I
8 thought they did when I was a lawyer.

9 DUTIES OF A CHIEF JUDGE

10 A NEW ERA COURTHOUSE

11 MR. BOYD: Earlier in the interview, you described
12 the duties of the chief judge, the position which you hold now.
13 You became chief judge, as I recall, in 1998, succeeding Judge
14 Myron Thompson in that role.

15 JUDGE ALBRITTON: That's right.

16 MR. BOYD: Well, in addition, Judge, to assuming all of
17 those administrative responsibilities and continuing to maintain
18 the full caseload that's traditional for the chief judge in this
19 district, you also inherited another project, one of substantial
20 magnitude, that being the new federal courthouse.

21 JUDGE ALBRITTON: Yep.

22 MR. BOYD: Has that taken much of your time over the
23 last few years?

24 JUDGE ALBRITTON: It's taken a tremendous amount of
25 time. It really has. And, you know, I don't guess it really

1 would have had to; but when this thing first came up, the judges
2 here decided that we were going to take an active role in it.
3 The courts are not -- we're not ourselves involved in a -- we're
4 not the ones that build the courthouse. That's General Services
5 Administration. And it's happened many times in the past in
6 other places that when a courthouse was built, the General
7 Services Administration would just build a courthouse and tell
8 the court here it is, and the court would move over to whatever
9 was there.

10 We came in in the early phase of a new -- of new
11 courthouse construction around the country where new courthouses
12 were being built, and a number of judges were pushing the idea
13 that we shouldn't let this happen because there were a lot of
14 real monstrosities as courthouses or just vanilla boxes and that
15 we should be involved in trying to have a courthouse look like a
16 courthouse and not like an office building.

17 So we decided here to make the commitment that we would
18 be personally involved in it, very deeply. And GSA, General
19 Services Administration, agreed that we would be involved, and
20 so we have. So we've -- all the judges have spent a lot of
21 time, particularly Judge Thompson at the time he was chief
22 judge, in the early design stage and all. And I worked with him
23 a lot then and then now in the construction. So yeah, I -- for
24 quite a while, I've been doing something with the building some
25 of every day.

1 MR. BOYD: How long has the new courthouse project
2 actually been under discussion or consideration?

3 JUDGE ALBRITTON: As long as I've been here, which is
4 nearly ten years. One of the first meetings that I attended of
5 judges after I came on the bench was one here where some people
6 came down from Washington with the -- from the Administrative
7 Office of the United States Courts and from General Services
8 Administration telling us that it had been determined that
9 Montgomery needed a new federal courthouse, a new facility, that
10 we were out of space -- of course, we all knew this, and we were
11 glad that they recognized it -- that we were out of space and
12 that a new building program was underway and trying to look for
13 many years to the future and build what was necessary.

14 So they wanted to add -- at that time, they were
15 talking about adding onto this building, the building we're in.
16 The Frank M. Johnson Jr. Federal Building and United States
17 Courthouse is an historic building that's on the National
18 Register, the place where some of the landmark civil rights
19 cases were tried by Judge Johnson. It's a beautiful building,
20 built back in the 1930s. It was getting rundown and totally out
21 of space, so the idea was that they'd add onto it. That's when
22 it started.

23 And the early part of it was what would -- what was
24 needed. So everybody started having input into what was needed.
25 And then sometime after that, they came up with, okay, we're

1 going to propose to Congress that we have this many courtrooms,
2 this many this, this, this, and this. And then the question was
3 how do we go about it.

4 The first suggestion that was made to us was, well,
5 we'll just add it onto the back of the existing courthouse and
6 go up as high as we need to go to put all this in. The thoughts
7 of a -- just a straight-up building tacked onto the back of this
8 courthouse was just -- sounded terrible to us. That's the kind
9 of thing that had been done in the past. And that's really when
10 we made the commitment to get involved ourselves. We didn't
11 want to detract from this courthouse at all, and that just
12 didn't sound good.

13 Well, they were saying, well, that's the only thing you
14 can do. We don't have -- that's the only place we can add on.
15 It was either that or close down this courthouse. And they
16 said, but -- and we can do that. Let's think about that. We'll
17 go out and get some land out from town, out on the bypass or
18 somewhere like that, and build a brand new federal courthouse.

19 All of the judges here were against that. For one
20 thing, we wanted to maintain this courthouse. It's a -- it's an
21 historic courthouse, it's one that has meant a lot in the past,
22 and it's one that should be maintained. Furthermore, we felt
23 that the federal courts had an obligation to the community to
24 not do something that would further the deterioration of
25 downtown. So we wanted to stay downtown. We -- and we wanted

1 to stay here.

2 The problem was we had a street right next to us and
3 nowhere to go. Just in kind of brainstorming and kicking things
4 around, Judge Thompson came up with the idea -- he said, well,
5 what if -- what if we were able to get the city to close Molton
6 Street over there and be able to grow over to the west, acquire
7 some land on the other side of that? And everybody said, you
8 know, that would work if they could do that.

9 So I remember Judge Dubina and I went down and talked
10 to Mayor Folmar about this idea. He was very receptive except
11 he said it would have to be in the best interests of the city.
12 We'd have to take a traffic count and see where everything was.
13 He very much liked the idea of the Court staying downtown and
14 not moving out.

15 So he did a study -- had a study done -- without saying
16 anything about it, determined that in his opinion, closing the
17 street wouldn't create any major problems. And so it was
18 presented to the city council, and they agreed to do it if we
19 were going to move over there. So that's what started the move
20 to go to the west and build what we have now, which officially
21 is called the annex to the Frank M. Johnson Jr. Federal Building
22 and United States Courthouse.

23 MR. BOYD: Was it necessary to actually acquire some
24 property?

25 JUDGE ALBRITTON: It was. On the other side of Molton

1 Street, they acquired a number of pieces of property over there,
2 some of them by purchase, some of them by condemnation. Some of
3 it had to be done by condemnation.

4 Then there was some property behind the courthouse.
5 The oldest brick residence building or maybe brick building at
6 all in Montgomery was back there being used as a convenience
7 store at that time but had been a school for boys and had been a
8 car dealership, I think, and had begun as the house of I think
9 the contractor who built the Capitol here in Montgomery. At one
10 time, it was owned by -- used or owned by a general in the
11 federal army during the War Between the States. It had a lot of
12 history. And that was a big issue.

13 Some people suggested just, well, you know, it's old;
14 bulldoze it down and move on. And we didn't like that idea.
15 The preservationists didn't like the idea at all. But what to
16 do with it? It was in the way. So it ended up being given by
17 the General Services Administration to the -- I guess the county
18 historical society. I don't know who has the title to it now.
19 But it was a gift by the General Services Administration and
20 moved up the street a block, which was quite a sight to see that
21 brick building moved by some specialists in that from Savannah
22 who came over and moved it. And it's being used by the county
23 historical society now.

24 The other thing that's behind the courthouse is the --
25 that's going to be preserved is the old Greyhound Bus Station.

1 It was the site of an incident in the Freedom Rider Movement.
2 Judge Johnson was on the bench. And the idea, again, there was
3 to preserve that and not have it torn down.

4 It has been leased on a long-term lease from General
5 Services Administration to the State of Alabama or some branch
6 of it. I'm not sure who actually has the lease. But it's --
7 the state historical commission and all is going to turn it into
8 a museum, not a general civil rights museum, but a museum having
9 to do with the Freedom Rider Movement nationwide and the
10 incident that happened here in Montgomery.

11 That's in the planning stages. I understand that they
12 have gotten money to fund a study on it and have some people I
13 believe from Boston who have done a lot of museum work who are
14 designing it. It should be quite a place for Montgomery, but
15 the Court is not involved in that. It's the State. And it will
16 be done as soon as this other project is finished.

17 MR. BOYD: Judge, you mentioned that the judges decided
18 to become actively involved in sort of creating a vision for the
19 new building, the annex building. What sort of groundwork or
20 investigation, fact-finding process did you judges go through
21 with the others who were involved to try to decide just what
22 would make sense for the new building?

23 JUDGE ALBRITTON: Well, before an architect was even
24 decided on, while that was being done -- that was a competition
25 with people from all over the country about being the architect.

1 While that and other things were going on, we were looking into
2 trying to decide what we wanted here. And we got a lot of
3 literature on courthouses, and then we started doing some
4 traveling, both before or after we got an architect.

5 Judge Thompson and I made some trips together. Curtis
6 Caver went with us, some others, to tour courthouses. We looked
7 at them around the state. We also went to Boston and went
8 through the old courthouses there. Bill Young, who is now the
9 chief district judge in Boston, took us for two days around to
10 courthouses around in Massachusetts and Rhode Island, old,
11 historic courthouses and new ones, looking at various things.

12 We went out to Kansas City to see a new federal
13 courthouse with some features that we were interested in. And
14 everywhere we went that had new courthouses, we would talk to
15 the people who had built them and ask them if they had it to do
16 over again, what would they do different? What would they --
17 what mistakes did they make? What did they think they did
18 right? And we got a lot of good pointers from them.

19 We were reading books. We were talking to people. We
20 were doing all kind of spadework. And then the architect also
21 went with us on some trips after the architect was selected.

22 MR. BOYD: Who was selected to do the architectural
23 work on the new building?

24 JUDGE ALBRITTON: Barganier Davis Sims Architects here
25 in Montgomery were ultimately selected. There were quite a few

1 firms that were competing for the work. Lee Sims is the chief
2 design architect with them, and he is the one who designed the
3 building. He's also the one who designed the state judicial
4 building on Dexter Avenue here, so he'll have two major
5 courthouses that he's designed. They won the competition and
6 designed the building.

7 And it was quite a thing getting the building designed.
8 They -- GSA had them submit four or five different plans of
9 concepts. Some people in Washington wanted a different thing
10 from what we wanted. What we're getting now is this curvilinear
11 design that ties it in -- what we had said all the time is this
12 existing courthouse is going to continue in operation, and we
13 want this to be a complex. We don't want it to be -- look like
14 something tacked onto this building or something that would
15 detract from this building. We wanted the end result to be a
16 complex. We had in mind a plaza that would tie it all in in
17 some way.

18 Lee Sims came up with about five different concepts,
19 one of them being just straight up over there, one of them being
20 square, different things, but one of them being this curvilinear
21 thing. This is -- was his preference, and it was also our
22 preference from the beginning, but some of them in Washington
23 didn't like that. They didn't think that this was practical.
24 They thought it would waste space and all this. So I guess in
25 the course of getting this thing designed and finally approved,

1 we went -- Judge Thompson and I went I think three different
2 times to Washington to meet with people and --

3 MR. BOYD: Judge, when you say you went to Washington,
4 elaborate a little bit on who you were going to see and just
5 what the role of the GSA is.

6 JUDGE ALBRITTON: Well, GSA is the part of the
7 executive branch of the government that's in charge of real
8 estate for the federal government. They own post offices,
9 federal courthouses, federal buildings, things of this nature.
10 And they have the ultimate responsibility for building the
11 courthouse and the ultimate say-so on what they're going to look
12 like, how much they're going to cost. Congress plays a role in
13 how much money you get, but it's really GSA's role and
14 responsibility to make the final decisions on these kind of
15 things.

16 So we were not able to dictate any terms, but they were
17 very nice about listening to us. We had disagreements about
18 what should be done, but they heard us out and ultimately went
19 along with our wishes on the design. And so that was who we
20 were meeting with.

21 The first big issue was whether or not to go with this
22 curved design, and they ended up deciding to go with it. The
23 architect had to justify the use of space and show why it wasn't
24 a waste. And all this was good because we didn't want to waste
25 taxpayers' money any more than anybody else did. The

1 architect's way was showing them that it actually was -- it
2 saved a lot in different ways by doing it.

3 So what we've ended up with is a design that -- it's
4 already won some award, and it's going to win some others. It's
5 going to be, I think, the finest federal courthouse in the
6 country when we get through. It's going to be beautiful. It's
7 going to be utilitarian also. And it's not extravagant. It's
8 got some beautiful features, but they're all done in ways that
9 are not extravagant and that conserve the taxpayers' money.

10 MR. BOYD: The contractor on the project was eventually
11 selected by GSA. And who is the contractor?

12 JUDGE ALBRITTON: Yes. GSA selected the contractor.
13 It's Clark Construction Company. They're headquartered in
14 Baltimore. At the time they got this contract, they were, I
15 believe, the largest construction company for federal buildings
16 in the country. They've been involved in a number of other
17 federal courthouses and other federal buildings. GSA selected
18 them with competition from other places.

19 MR. BOYD: When did construction actually begin?

20 JUDGE ALBRITTON: Gosh, it seems like ten years ago. I
21 don't know. I -- the time that it started escapes me. I do
22 remember that we had the groundbreaking out there, and then it
23 was six months after that before we actually started the
24 construction.

25 One of the reasons was that during that time, the

1 Oklahoma City bombing happened with the federal building out
2 there, and that changed everything. We had to put in a lot of
3 security devices that we didn't have before and had to go back
4 to the drawing board on a number of things there.

5 And also it turned out that the funds that had been
6 provided by Congress were not going to be sufficient to cover
7 everything after all these changes were made and all, so we had
8 always wanted to have the annex with limestone on the outside
9 just like this building. And it developed that it didn't look
10 like that was going to be possible without some more money, so
11 GSA's idea was to use prestressed concrete or brick. We were
12 very much against that, and that was one of the things we went
13 to Washington. And anyway, Senator Shelby weighed in on that
14 for us and was able to get some additional funds provided that
15 then allowed us to go with limestone, limestone, incidentally,
16 from the same quarry in Indiana that the limestone for this
17 building came from, so it's the same place.

18 A COORDINATOR IS BORN

19 MR. BOYD: You mentioned that the judges of
20 the district had a great interest -- have a great interest in
21 the building and have been very involved, but obviously it
22 wasn't possible for the judges to keep track of what was going
23 on on a day-to-day basis. And I understand you had to come up
24 with a -- some solution to that to have somebody in place to
25 sort of be the clerk of the works, if you will.

1 JUDGE ALBRITTON: Yes. That became apparent fairly
2 soon. We were well into it. I think we had already selected
3 the architect. But it was getting to where Judge Thompson and I
4 were both realizing the amount of time that we were spending
5 with a lot of detail, it was getting out of hand. And we were
6 either going to have to stop doing so much of the detail work
7 or just -- or do something.

8 And I'll have to say I think the greatest contribution
9 that I've made to this new federal building is suggesting that
10 we needed to hire somebody and coming up with just the perfect
11 person for it. We -- I went to Washington about this, about
12 trying to get somebody in this role. A lot of new courthouses
13 were beginning, but nobody had people who were just on a project
14 to run the project. Some of the larger courts in the big cities
15 would designate a person from the clerk's office to spend most
16 of his time or her time dealing with that, but that was just
17 somebody who worked there in the office. And I was trying to
18 find out if there were any funds available for us to hire
19 somebody to run this project for us, to work for the Court, to
20 deal with GSA, to deal with the Administrative Office of the
21 U.S. Courts, to deal with all the myriad of details, to deal
22 with the bureaucracy.

23 And this was new. They didn't have things like that.
24 So we kept knocking on the door and coming up with different
25 ideas. Curtis Caver was working with us trying to come up with

1 something. Finally, we were able to get some funds provided to
2 create a slot. It wasn't designated for this project, but it
3 was just another position in our clerk's office that we could
4 use to fill with somebody in this role.

5 Well, about that time, Reggie Hamner had retired after
6 25 years as executive director of the Alabama State Bar, and
7 Reggie and I had known each other the entire time we were there.
8 When I was president of the State Bar, he and I were heavily
9 involved in building the addition to the State Bar building.
10 That was one of the things going on throughout my year and was
11 finished in the next year, so we had been through a substantial
12 building project together. And Reggie did not have anything
13 else at the time. I know there were people talking with him
14 about coming with them and various things, but he was taking his
15 time to look around. And so I talked to Judge Thompson and
16 Judge DeMent and said, you know, if I could get Reggie Hamner to
17 come on board and take this job, what would y'all think? Well,
18 both of them said that would be wonderful. He'd be ideal if we
19 could get him.

20 So I got Reggie to come in. And I told him what was
21 going on and I told him what the position was that we
22 envisioned, which at that time, we said it probably would be a
23 part-time job, about half time, and it will last three years,
24 and -- but this is what you would do, and said, you'll have to
25 kind of create the job yourself. There is no job description.

1 So he says, you know, that's really intriguing. That
2 sounds very interesting. Let me think about it over the
3 weekend, talk with Ann and see what we might want to do. So he
4 called and came back in on Monday and said, I'd like to do that,
5 that sounds like something I'd really like to do.

6 Well, as Yancey said, "The man and the hour have met."
7 When Reggie came on this project, he was ideal. He was a
8 lawyer. He had been through building -- a building project
9 before. He had 25 years of dealing with bureaucracies in the
10 State. He knows their language. He knows where things are
11 hidden. He knows how to deal with them.

12 And he came on as court project coordinator, and he's
13 been on it ever since. Well, instead of a part-time job and
14 three years, it's been a -- more than a full-time job.
15 He spends an inordinate amount of time on this thing. And it's
16 gone on for five years now that he's been with it, and the end
17 is not here yet. But he loves it. He's done a magnificent job.
18 I don't know what we would do without him. And since this time,
19 other courts have done the same thing and have created this
20 position. He's been the one who pioneered it and showed how
21 important it was.

22 MR. BOYD: Tell us, if you will, Judge, just what will
23 be in the new building, the building that will be known as the
24 annex but which is, in and of itself, a magnificent structure?

25 JUDGE ALBRITTON: And it's larger than this building,

1 even though it's the annex. Well, it's going to have -- it's
2 going to have five district courtrooms and a ceremonial
3 courtroom or a special proceedings courtroom. All of these will
4 be on the second floor, the same floor as our main courtroom in
5 this building. And it will be connected by a bridge so that you
6 can come from this building over into the new building on a
7 pedestrian bridge behind this existing building. So on the
8 second floor, there will be those courtrooms. And the special
9 proceedings courtroom is one which is a little larger than the
10 others. It can hold not only ceremonies and things, but it can
11 hold larger trials where we have more parties, more defendants,
12 and special trials.

13 On the floor below that, the first floor where you walk
14 in the main building will be the clerk's office and the United
15 States Marshal's Office and things such as the jury assembly
16 room and various things. Down in the basement there's going to
17 be -- that's going to be the area for the grand jury room, a
18 snack bar down there.

19 On the third floor will be the district judges'
20 chambers. It will be connected by a bridge over to this new
21 building -- old building.

22 On the fourth floor, we're going to have courtrooms for
23 the magistrate judges and bankruptcy judges. Bankruptcy will be
24 coming back into the building with us. There will be two
25 magistrate courtrooms and chambers on the fourth floor, and on

1 the other side will be four bankruptcy courtrooms. We only have
2 two bankruptcy judges now, but one will be available for later
3 if the Court grows. The fourth is going to be fitted out and
4 used as a videoconferencing center and an area where that can be
5 done with remote connections all over the country for various
6 things in connection with trials or criminal matters.

7 Then on the fifth floor are going to be the other two
8 magistrate courtrooms and chambers and eventually will be a part
9 of the United States Attorney's Office. For the time being,
10 while this existing building is being renovated, that part of
11 the fifth floor is going to be occupied by the circuit judges,
12 who are going to be in this building -- back in this building
13 eventually, and by Senator Shelby's office, who will be over in
14 this building when it's renovated.

15 So it's a large building. It spreads around a long
16 area when you're walking down a hallway. But the idea was to
17 keep it the same height as this existing building so that it
18 tied in with it. And it's the same height as this building, the
19 same number of floors.

20 MR. BOYD: You mentioned that the existing building,
21 the one where we sit today, is going to be renovated once the
22 move is made into the annex.

23 JUDGE ALBRITTON: Right.

24 MR. BOYD: What will eventually be in the old building?

25 JUDGE ALBRITTON: The circuit judges who are here in

1 Montgomery will occupy two floors over here, and that's Judge
2 Joel Dubina and Judge Ed Carnes and Judge John Godbold, senior
3 circuit judge. They'll be back over here with chambers.

4 There will also be -- there is now a circuit courtroom
5 where appellate cases are heard when the Eleventh Circuit Court
6 of Appeals sits in Montgomery. Right now it's been used for
7 that. It's also -- I'm using it as a courtroom with a temporary
8 jury box over there, and that's one of the reasons we need more
9 space. It's going to be renovated.

10 The -- on the second floor, Judge Thompson is going to
11 move back over into this building eventually. It's his wish to
12 maintain the courtroom that he has now, which was the courtroom
13 used by Judge Johnson, as an active courtroom, and so it's going
14 to also be renovated. And some of the sound problems in there
15 and some of the other things are going to be, hopefully,
16 corrected, but he wants to and will maintain that as an active
17 courtroom with his chambers there.

18 We'll also -- the U.S. Attorney is going to be up on
19 the fifth floor in this building, and we're going to have
20 pretrial services and the probation office -- actually, those
21 offices are being combined now, but they're going to be over
22 here.

23 And that -- then we're going to have some congressional
24 space. Senator Shelby is going to have an office here. I'm not
25 sure whether -- I don't think Senator Sessions wants to have an

1 office here, and I don't believe either of the congressmen who
2 have Montgomery -- parts of Montgomery in their district want to
3 be in this building either, but Senator Shelby will be.

4 MR. BOYD: Judge, I guess in the planning of the new
5 courthouse structure, a lot of attention was given to technology
6 in the courtrooms and generally, I suppose.

7 JUDGE ALBRITTON: Yeah. That's true. I'll have to say
8 that I'm technologically challenged. I'm not personally up on
9 all this, but I do want this courthouse to be able to have it
10 all because that's the coming things in trials of cases and in
11 preparation in many ways. So our idea from the beginning has
12 been to have the flexibility that the courtrooms and everything
13 else can be adapted to new technological developments without
14 having to have wires strung all over the place and whatever. Of
15 course, nobody knows what's coming in the future. We may not
16 even have wires in the future; but if we do, we don't want them
17 draped around the floors or the walls.

18 So we've got things such as in the district courtrooms,
19 they're all going to have hollow floors. They're going to be --
20 I think it's a four-inch hollow floor with conduit running
21 around all over the place under it and so that if you need --
22 even if you need anything else in the future, you can pull the
23 carpet up and go under the floor and put something else in, put
24 it back down, rather than having to run wires.

25 We've been fortunate enough to get funds appropriated

1 from the Administrative Office of the United States Courts to
2 put equipment in the courtrooms that will be the most up-to-date
3 things that we have as far as evidence presentation. There are
4 going to be evidence presentation carts that will allow lawyers
5 to put a document or a pistol or a set of keys, whatever they
6 might want, down on a screen and it will flash up on the other
7 screens. The jury boxes are going to have little monitors for
8 each two seats, I think, that things will come up on.

9 They're going to have -- we're going to -- as I said a
10 while ago, we're going to have a videoconferencing center.
11 We're going to have some mobile units that will be able to be
12 transported from courtroom to courtroom so that if you had
13 somebody testifying from Washington State, you wanted to have
14 them testify live and be able to cross-examine them from here,
15 that could be hooked up so that the person there would come over
16 the screen and everybody would see them and you'd -- the lawyers
17 would be able to examine them from here. That may be used some
18 in criminal matters for various things without having to
19 transport prisoners from prison or from jails over here but have
20 hookups for them there.

21 I think everything that there is technologically, right
22 now available is going to be in this new courthouse. It will be
23 state of the art on whatever the -- whatever we need.

24 MR. BOYD: Well, in addition to being technologically
25 state of the art and being functional and economical, as you've

1 described, the new courthouse facility is also going to have
2 some very nice aesthetic features. Can you tell us a little bit
3 about what's planned in that respect?

4 JUDGE ALBRITTON: It's really going to be a thing of
5 beauty for the community. It excites me every time I think
6 about it. The first work of art is the building itself. I
7 think it's a beautiful and magnificent design that Lee Sims has
8 done. And it's got features in it that, in and of themselves,
9 are real works of art. The first floor lobby where you walk in
10 is -- has got red sandstone on the walls. It's just beautiful.
11 And it's the only part of the building that has that. The rest
12 of the building has other kind of stone, but that's a feature of
13 it.

14 The main lobby is going to be on the second floor, and
15 it's going to go up for three stories. It will be a three-story
16 atrium. And all of this has been done in a way that actually
17 conserves space in other places that makes it no more expensive
18 or costly to run than if it were just a regular, one-floor
19 level. But it's going to go up three floors. It's all glass in
20 the front. And that feature itself is a work of art.

21 In addition to the building, there are three things
22 that have been commissioned that are going in. I told you while
23 ago that one of our ideas all along had been a plaza to tie in
24 the two buildings, and so we do have in front of the new
25 building a large plaza that people will walk across. It's going

1 to be dominated by a work of art that was commissioned by GSA
2 under a program called the Art in Architecture Program that
3 federal projects for a few years have had a certain percentage
4 of construction costs set aside to commission an original work
5 of art. It's a great program that the government has. It's not
6 money that they give you to go out to a shop and buy paintings
7 or something to bring in. It's money to commission an artist in
8 one form or another to create a new work of art for the public.

9 So they had a contest to pick the person here. There
10 were quite a few people in the community here who were put on a
11 committee to work with GSA. The judges were working with them.
12 We probably had over a hundred applications from people from
13 around the world, really, who submitted examples of their work.
14 There were painters, sculptors, all different kinds of artists.
15 They weren't submitting something they wanted to do here. They
16 were just submitting what they've done in other places.

17 And the committee went through them all and then
18 narrowed it down to five finalists. Then the five finalists
19 were asked to submit some more things, some slides and all. And
20 then the judges got involved at that point looking at their
21 work. And the committee ended up commissioning a sculptor by
22 the name of Clyde Lynds, who lives in New Jersey, to do an
23 original work of art for this building. He has done some fine
24 things in other parts of the country. He has a sculpture on one
25 of the walls in the new Foley Square Courthouse, big federal

1 courthouse in Manhattan, and in a number of other places around
2 the country.

3 After he was commissioned, he came down and met with
4 the committee and met with the judges to talk about what do you
5 want. He had some ideas; we had some ideas. It went back and
6 forth. And he finally came up with the idea of doing a fountain
7 that would be in the center of the plaza, and it would be -- the
8 face of it would be the face of Themis, the goddess of justice.
9 It's being done in -- well, it's out there now. It's done in
10 stainless steel. The sides of it have two big stainless steel
11 bowls that represent the scales of justice. The water comes out
12 of the bowls. The back of the face has the 13 stripes of the
13 American flag, and one of the stripes comes across the goddess
14 of justice's eyes, representing the blindfold. It's lighted
15 from under the water. It comes up through the water and gives
16 an effect on the -- of the flag and the face of a waving flag.

17 It's -- I've got a picture here that was sent down by
18 Mr. Lynds the other day that that's what it looks like. That's
19 the face of the goddess of justice. And she's out there now.
20 It's beautiful, and it's something that the people in the
21 community will enjoy for a long, long time.

22 We made the decision early on that for this work of
23 art, we didn't want something that was inside where you had to
24 be a litigant or something to see it. We wanted it to be a real
25 work of public art that everybody could see, whether they came

1 in the courthouse or not. So we wanted something outside. That
2 was what the judges wanted. And that was readily agreed to by
3 the committee, and that's what Mr. Lynds' commission was, to do
4 something outside. That's what it is, and it's going to be
5 great. That's the first work of art that you'll see other than
6 the building.

7 MR. BOYD: And there are others.

8 JUDGE ALBRITTON: Yes. A real feature is another
9 sculpture, and it's above the door. And it's a big eagle, and
10 it was done by a gentleman by the name of William Galloway from
11 Indiana. He did this sculpture of an eagle out of limestone,
12 actually out of a block of limestone that came from the same
13 quarry in Indiana as the limestone around the building.

14 In the little town where he lives, in
15 Bloomington-Bedford, Indiana, the *Times-Herald* there put out a
16 three-page issue of the paper devoted to his work on the eagle.
17 It's got some of it there, and then it comes over here for two
18 more pages showing how he went about doing the job and how his
19 helper helped him. It's the largest project he's ever had.
20 It's a huge sculpted eagle. They brought it down here on a
21 flatbed truck, and raising it and putting it up there was a real
22 project.

23 This newspaper, incidentally, is going to be maintained
24 in an historical archives that we're developing to put in over
25 there, that you on the committee are familiar with, Eddie

1 Patillo is working with us on. But these things are going to be
2 maintained in the future. So that eagle is a great work of art.
3 That's the second one that you'll see.

4 Finally, I think that people all over the country are
5 going to be blown away when they see the artwork of David Braly
6 in this courthouse. David Braly is an architect, lives in
7 Montgomery. He's been on the faculty of the School of
8 Architecture at Auburn for quite a while. He's taken a leave of
9 absence this year. But he is a wonderful artist, and he has
10 done paintings in the -- on the -- for the ceiling of the first
11 floor lobby. He has done paintings for the ceiling of the third
12 floor -- rather, the second-floor atrium. It's hard to describe
13 in words to see this ceiling. It was panels that were done on
14 canvas. He painted them hanging up on the wall in the old Elite
15 Cafe down there. I watched him as he was putting them together.
16 And then when he got the canvas panels painted, they took them
17 over there and they were hung on the ceiling by a paper hanger,
18 like wallpaper. And they're just beautiful up there on the
19 ceiling.

20 And I guess maybe the biggest feature that he'll have,
21 the five district courtrooms on the second floor all have,
22 behind the bench, murals behind the bench that are painted back
23 there. And the theme is the Preamble to the Constitution of the
24 United States. And he has one of the points of the Preamble as
25 the feature on each of the murals. They're basically the same,

1 with an architectural design and a coin in the middle with the
2 point that's being made from the Preamble around the coin and
3 something different in the center.

4 And then in the first floor lobby when you first come
5 in, over on the left, on a painted wall, he has imprinted the
6 Preamble, the full Preamble to the Constitution there leading
7 into the artwork behind the benches on the second floor.

8 You know, our idea -- and Reggie Hamner was very
9 involved in getting David Braly involved and some of this other
10 too. But all of our idea was that there's no reason that a
11 functional building can't also be pretty. So this is going to
12 be beautiful.


13 MR. BOYD: On behalf of the lawyers of the Middle
14 District and on behalf of the historical committee that the
15 Court appointed for the Middle District, we want to thank you
16 not only for your dedicated service as judge and chief judge of
17 this district, but particularly for you making yourself
18 available for this interview today, which I'm sure will be
19 enjoyed by many people in the future. Thank you very much.

20 JUDGE ALBRITTON: Well, Dave, you're welcome. I want
21 to thank you and Bobby Segall and John Scott and other members
22 of the historical committee for doing this. You've spent a lot
23 of time, all of you have, on it. And we're all appreciative.
24 It's something that will maintain things for the future, and I
25 thank you for your time. I've enjoyed chatting with you.

REPORTER'S CERTIFICATE

I, Risa L. Entrekin, Registered Diplomate Reporter and Official Court Reporter for the United States District Court for the Northern District of Alabama, do hereby certify that the foregoing 100 pages contain a true and correct transcript of the interview of the Honorable W. Harold Albritton III in the City of Montgomery, Alabama, on January 5, 2001.

In testimony whereof, I hereunto set my hand this 9th day of December, 2021.



RISA L. ENTREKIN, RDR, CRR
Official Court Reporter