

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

George Lamar Beck, Jr. (George L. Beck, Jr.)

2. **Position:** State the position for which you have been nominated.

United States Attorney for the Middle District of Alabama.

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: 150 South Perry Street
Montgomery, Alabama 36104

4. **Birthplace:** State date and place of birth.

1941; Enterprise, Alabama

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

- University of Alabama Law School (1963 – 1966), Bachelor of Laws, January 1966
- Auburn University (1959 – 1963), Bachelor of Arts, May 1963

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2004 – Present	Shareholder Capell & Howard, P.C. 150 S. Perry Street Montgomery, Alabama 36104
2006 – Present	Managing Member 21st Sentry, L.L.C. 1422 Pierce Chapel Rd. Wetumpka, Alabama 36092
2000 - Present	President Chosen Oils, Inc. 1422 Pierce Chapel Road Wetumpka, Alabama 36092
1986 – 2003	President and Sole Shareholder George L. Beck, P.C. 22 Scott Street Montgomery, Alabama 36104
1982 – 1986	Law Partner Baxley, Beck, Dillard & Dauphin 105 S. Lawrence Street Montgomery, Alabama 36104
1979 – 1982	George L. Beck, Jr., Sole Practitioner 504 Martha Street Montgomery, Alabama 36104
1971 – 1979	Deputy Attorney General for the State of Alabama Office of the Attorney General Montgomery, Alabama 36103
1966 – 1971	Associate St. John & St. John Cullman, Alabama 35056

1964 – 1966

Law Clerk
Clement, Hubbard & Waldrop
Tuscaloosa, Alabama 35401

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

My serial number was my Social Security number.

January 24, 1966 – November 17, 1967
Alabama Army National Guard – Enlisted – ARMOR

November 18, 1967 -- June 1, 1968
United States Army Reserve – Enlisted – Quartermaster

June 2, 1968 – September 23, 1968
Alabama Army National Guard – Officer – Judge Advocate General Corps

September 24, 1968 – April 18, 1969
Alabama Army National Guard – Enlisted – Judge Advocate General Corps

April 19, 1969 – April 1, 1996
Alabama Army National Guard – Officer – Judge Advocate General Corps

April 2, 1996 – September 2001
Retired Reserve – Officer – Judge Advocate General Corps

Date of Rank:

April 19, 1969	First Lieutenant	02
January 7, 1972	Captain	03
April 1, 1976	Major	04
June 28, 1983	Lieutenant Colonel	05
October 9, 1990	Colonel	06

All separations were honorable.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

- Meritorious Service Medal for service in the JAG Corps, June 8, 1991
- Merit Scholarship, University of Alabama Law School (1965 – 1966)
- Who's Who in American Law
- Best Lawyers (1987 – present)

- Alabama Super Lawyers (2009)
- Law Review, University of Alabama Law School
- Bench & Bar Honor Society, University of Alabama Law School
- Member, Order of the Coif, University of Alabama Law School
- Farrah Order of Jurisprudence

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

- Cullman County Bar Association (1966 – 1971)
- Montgomery County Bar Association (1971 – present)
- Alabama State Bar Association (1966 – present)
- Past Director of Federal Defender Program for the Middle District of Alabama
- Former Member of the State Committee on Sentencing Guidelines
- Present Member of the Court Advisory Committee for the United States District Court for Middle District of Alabama
- Present Member of the State of Alabama Criminal Rules Committee
- Present Member of the State of Alabama Criminal Code Committee
- Present Member Criminal Defense & DUI Seminar Planning Committee
- Present Member of the Alabama State Bar Disciplinary Rules and Enforcement Committee
- Present Member of Federal Bar Association, Middle District of Alabama
- American Association for Justice (1977 – Present)
- Alabama Association for Justice (1977 – Present)
- Alabama Law Foundation (2000 – Present)
- National Association of Criminal Defense Attorneys (1981 – Present)
- Montgomery County Bar Disciplinary Committee (1998 – 1999)
- Hugh Maddox American Inn of Court (2004 – Present)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Alabama State Bar, April 1966
No lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

- State of Alabama Trial and Appellate Courts, April 1966
 - United States District Court for the Middle District of Alabama, June 30, 1973
 - United States District Court for the Northern District of Alabama, June 10, 1966
 - United States District Court for the Southern District of Alabama, May 2, 2007
 - United States Court of Appeals for the Armed Forces
 - United States Supreme Court, February 22, 1972
 - U.S. Court of Appeals of the Eleventh Circuit, January 7, 1982
 - U.S. Court of Appeals of the Fifth Circuit, July 14, 1972
- No lapses in memberships.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

2003 – Present	Legacy Key Homeowners Association, Orange Beach, Alabama
2001 – Present	President’s Cabinet, University of Alabama
1992 – 2002	Sturbridge Homeowners Association, Montgomery, Alabama
1991 – Present	Broadmoor Condominium Homeowners Association, Orange Beach, Alabama
1969 – 1970	Cullman Kiwanis Club, Cullman, Alabama
1967 – 1970	Cullman Jaycees, Cullman, Alabama
1966 – Present	Alabama Alumni Association
1963 – 2003	Auburn Alumni Association
1971 – Present	First Baptist Church, Montgomery, Alabama
2008 – Present	Willow Point Country Club, Alexander City, Alabama
1973 – 1975	Arrowhead Country Club, Montgomery, Alabama
1979 – 1984	Rolling Hills Golf Club
1988 – 2000	Wynlakes Country Club, Montgomery, Alabama
1963-1966	Sigma Delta Kappa Legal Fraternity
1959 – 1963	Sigma Chi Fraternity

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

While I was in college, I was a member of an all-male social and service fraternity. The college also had sororities.

12. **Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

None.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I gave a statement for a U.S. Congressman in the 1970s on the devastation caused by strip mining.

Additionally, I assisted in drafting Alabama Attorney General's opinions 1971-79 on various topics addressed to various public officials which may or may not bear my name. I do not have any copies of these opinions, and have not been able to locate them in any publicly available electronic database.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

Federal Defenders Seminar, "Cross Examination of a Cooperating Witness," 12/12/08

Alabama Bar Institute for Continuing Legal Education, "The Ethical Duty of a Criminal Defense Lawyer," 9/22/06

Alabama Bar Institute for Continuing Legal Education, "Direct Examination," 9/23/05

Monroe County Bar Association's Bench and Bar Conference, "Panel Discussion regarding Motion Practice in Federal Court with an emphasis on Criminal Practice," 2/20/04

CJA Brown Bag Seminar, "Panel Seminar regarding Character Evidence," 11/8/02

The Association of American Law Schools Winter Board Meeting, "Impeaching Witnesses," 1/25/02

Federal Defenders Brown Bag Seminar, "Trial Advocacy: Exposing a Witness' Lies," 8/8/01

Mandatory Continuing Legal Education Seminar for the Alabama Attorney General's Office, "Enhanced Negotiation Skills," 10/26/00

Hugh Maddox Inns of Court, "Business & Contract Litigation," 3/16/00

For the following no notes or transcripts are available:

Eleventh Circuit Judicial Conference, "Discussion of relations between the local Bar and Trial Judges," 2009

Eleventh Circuit Judicial Conference, "Panel discussion on Use of Hearsay Evidence," 2005

Alabama Trial Lawyers Association, Seminar at American Trial Lawyer's Association Convention in San Francisco, 1993

Military Law Panel for the Alabama National Guard, "Discussion of legal aspects of the Alabama National Guard including claims and court marshal procedure," approximately 1990

Alabama Trial Lawyers Association, American Trial Lawyer's Association Convestion, "Insurance Bad Faith," approximately 1990

Alabama Trial Lawyers Association, Seminar at University of Alabama Law School, 1986

Activities of the State Attorney General's Office, Various Presentations on topics including strip mining, air and water pollution, public corruption, and civil litigation, 1971-1979

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have done my best to identify all items called for in this question, including through a review of my personal files and searches of publicly available electronic databases. I have located the following:

Hotline, "No One Move Or The Precinct Chiefs Get It," 6/4/10

The Dothan Eagle, Debbie Ingram, "Rep. Warren Beck remembered for his love of life," 3/1/10

The Associated Press State & Local Wire, "FBI says ex-trooper's 1966 killing of black probed," 11/24/09

Opelika-Auburn News, Katie Stallcup, "No monies awarded in Hayley, employee suits," 5/8/09

The Montgomery Advertiser, Marty Roney, "Wetumpka, mayor's assistant reinstated," 4/14/09

The Montgomery Advertiser, "Attorney: Cumbie to enter not guilty plea," 1/15/09

The Associated Press State & Local Wire, Phillips Rawls, "No eyewitnesses heard in civil rights slaying," 12/10/08

The Anniston Star, John Flemming, "McCain wrote on behalf of ex-trooper Fowler," 10/7/08

The Anniston Star, John Flemming, "Judge delays Fowler trial in Jackson murder," 10/7/08

The Associated Press State & Local Wire, Phillip Rawls, "Trial delayed in 1965 civil rights slaying," 10/7/08

Birmingham News, Tom Gordon, "Ex-trooper's trial could include second shooting," 8/5/08

The Associated Press, Phillip Rawls, "Former Ala. Trooper to face trial in 1965 shooting," 7/10/08

Birmingham News, Kim Chandler, "Justice prodded on star witness; Lawyers want investigation," 2/26/08

Mobile Register, "Lawyer argues ex-trooper can't get a fair trial," 11/9/07

The Montgomery Advertiser, Kenneth Mullinax, "Retired trooper gets pretrial hearing today," 11/8/07

The Montgomery Advertiser, Kenneth Mullinax, "Pathologist joins rights-era case," 10/3/07

Mobile Register, "Autopsy raises questions in civil rights-era slaying," 7/12/07

Birmingham News, Tom Gordon, "Judge may set dates for two murder trials," 7/10/07

The Associated Press State & Local Wire, "Ex-trooper in 1966 civil rights slaying seeks to dismiss charge," 6/29/07

The Montgomery Advertiser, Marty Ramsey, "Court has full load," 5/21/07

The Associated Press, Phillip Rawls, "Former Alabama trooper had clean personnel record despite involvement in shooting death," 5/12/07

Birmingham New, Tom Gordon, "Ex-trooper freed on bond in 1965 shooting death; lawyer may push to move Perry trial," 5/11/07

The Times, Tim Reid, "After 42 years, trooper faces trial for killing that sparked bloody civil rights protests," 5/11/07

UPI, "Trooper charged with murder 42 years later," 5/11/07

Associated Press Worldstream, Phillip Rawls, "Retired State police officer surrenders in US civil rights-era slaying of black man," 5/11/07

The Associated Press, Phillip Rawls, "Ala. Grand jury indicts in 1965 killing of black man at rights rally," 5/10/07

Birmingham News, Tom Gordon, "Indicted ex-trooper will turn himself in; lawyer maintains officer protected self in 1965 shooting," 5/10/07

National Public Radio (NPR), Michele Norris and Robert Siegel, "Retired trooper claims self-defense in shooting," 5/10/07

National Public Radio, Rebecca Roberts, "Alabama to revisit Civil Rights Era killing," 5/10/07

The New York Times, Adam Nossiter, "Indictment in '65 killing that inspired rights march," 5/10/07

The Star-Ledger, Tom Gordon, "Ex-Alabama trooper, 73, indicted in killing that fueled Selma march," 5/10/07

Birmingham News, Tom Gordon, "Lawyer says trooper in 1965 killing feared for his life," 5/9/07

The Associated Press State & Local Wire, Phillip Rawls, "Alabama grand jury to review civil rights era killing," 5/5/07

The Clarion Ledger, Chris Joyner, "Ala. Slaying in civil rights era gaining attention," 2/5/07

Montgomery Advertiser, Pat Lewandowski, "Boat seller convicted in tax case," 1/18/07

The Montgomery Advertiser, Mike Linn Montgomery, "Attorney says client should get probation," 11/11/06

The Montgomery Advertiser. Kevin Taylor, "Audit shows missing property," 3/16/04

Columbus Ledger-Enquirer, "Alabama briefs," 2/27/04

The Montgomery Advertiser, Ken L. Spear, "Fired schoolteacher sues AEA," 11/4/03

The Associated Press State & Local Wire, Phillip Rawls, "Probe penetrates Siegelman's inner circle," 6/25/03

Birmingham News, Kim Chandler and Stan Bailey, "3 plead guilty to bribery in corruption probe," 6/25/03

Birmingham News, Kim Chandler and Stan Bailey, "Ex-Siegelman aide to plead guilty; cabinet member faces bribery, ethics charges," 6/24/03

The Montgomery Advertiser, Neil Probst, "Rape Victims endure fear of AIDs risk," 1/21/03

The Montgomery Advertiser, Ken L. Spar, "Two county school employees dismissed," 12/20/02

The Montgomery Advertiser, Ken L. Spar, "Lawyers debate tax issues," 10/29/02

Birmingham News, Stan Bailey, "Pryor's special crime unit goes after White Collars," 2/15/02

Birmingham News, Stan Bailey, "Two guilty in Etowah fraud case," 6/23/02

Birmingham News, Patricia Dedrick, "Waste fraud trial focuses on \$2.2 Million," 1/21/02

The Associated Press State & Local Wire, "Defense turn in Big Wheel trash-hauling trial," 1/19/02

Birmingham News, Stan Bailey, "Butts faces prison term son's charges dropped, attorney says," 10/24/01

Birmingham News, Stan Bailey, "Baxley joins butts bribery defense, seeks trial delay," 10/11/01

The Associated Press State & Local Wire, "DOT trial delayed for plea bargain talks," 9/7/01

Birmingham News, Stan Bailey, "Settlement discussed in Butts' case," 9/7/01

The Associated Press State & Local Wire, "Defense seeks separate trials, trimmed charges, more details," 7/11/01

Birmingham News, Chanda Temple, "Man guilty in after-race accident that killed two 1-20/59 motorists," 2/3/00

Birmingham News, Brett J. Blackledge, "Workers pressured, judge told mobile home case heard," 3/25/99

The Associated Press State & Local Wire, "Montgomery County jury awards \$37.6 million verdict," 9/2/98

Austin America-Statesman, Jay Reeves, "1963 bombing case reopened; armed with new information, the FBI," 7/11/97

Birmingham News, John Archibald and Robin DeMonia, "Hunt devastated by ruling but still hopes to clear his name," 1/10/95

Birmingham News, Robin DeMonia, "Beck: Voter revolt eased U.S. stance in Randolph," 12/14/94

Jet, "School board in Wedowee, AL, reassigns controversial principal," 8/29/94

Associated Press Worldstream, Jessica Saunders, "School district reassigns high school principal Hulond," 8/9/94

The New York times, "School district oust principal in Alabama," 8/9/94

Chicago Tribune, "Fire destroys Alabama school involved in interracial dispute," 8/7/94

The Associated Press, Janis L. Magin, "Judge seeks order to remove principal in racial bias case," 8/3/94

Birmingham News, "Randolph student provides case files to help federal suit," 6/22/94

Birmingham News, Robin DeMonia, "Evans sues Hunt; seeks \$46,000, State trailer," 4/29/94

Birmingham News, Robin DeMonia and Tom Gordon, "High court upholds Hunt's conviction," 4/22/94

Birmingham News, Robin DeMonia, "Hornsby stay put on Hunt's appeal," 3/26/94

Birmingham News, Robin DeMonia, "State's top court hears Hunt's appeal," 3/15/94

Birmingham News, Robin DeMonia, "Hunt taking case to State Supreme Court," 1/13/94

Birmingham News, Robin DeMonia, "Attorney for Hunt still hopeful former governor blasts ruling by appeals court," 12/17/93

Birmingham News, Robin DeMonia, "Attorney blasts Hunt; still hopeful former governor blasts ruling by appeals court," 12/17/93

Birmingham News, "Jury to deliberate in Rep. Mathis trial," 11/14/93

Birmingham News, Robin DeMonia, "Hunt willing to give back state trailer," 10/22/93

Birmingham News, Robin DeMonia and Tom Lindley, "Hunt's appeal lawyer say Evans' office evaded issues," 9/9/93

Birmingham News, Stan Bailey, "Appeals court sets Sept. 8 Hunt hearing oral arguments will be heard in his ethics-case conviction," 7/30/93

The Hotline, "Alabama: Hunt spared from prison," 5/10/93

The Hotline, "Alabama: Guilty verdict ushers in 'time of sorrow'," 4/23/93

St. Louis Post-Dispatch, "Alabama governor convicted," 4/23/93

The Atlanta Journal and Constitution, Jim Yardley, "Jury out on Hunt ethics charge; Judge decries personal use of political funds," 4/22/93

The Hotline, "Alabama: jury deliberations begin in Hunt trial," 4/22/93

United Press International, "Alabama governor convicted, new governor sworn in," 4/22/93

The Associate Press, "Defense rests without governor taking witness stand," 4/20/94

United Press International, "Hunt attorneys' motion for mistrial denied," 4/15/93

The Associated Press, Jay Reeves, "Alabama governor portrayed as an innocent who relied on lawyers," 4/14/93

The Atlanta Journal and Constitution, Jim Yardley, "Money, power on line in trial is governor honest farmer or a criminal?," 4/14/93

The Associated Press, Bill Poovey, "Prosecutor says governor 'sold oath of office'; defense denies intent," 4/13/93

The Hotline, "Alabama: governor Hunt," 4/13/93

United Press International, "Trial of Alabama governor opens," 4/13/93

The Associated Press State & Local Wire, Bill Poovey, "Judge refuses to delay Alabama governor's trial; appeal turned down," 4/8/93

The Associated Press, Bill Poovey, "Judge asked to reinstate theft, conspiracy charges against governor," 4/7/93

The Hotline, "Alabama: 12 of 13 charges dismissed against Hunt," 3/23/93

Orlando Sentential, "Judge will not step down in Alabama governor trial," 3/9/93

The Hotline, "Alabama: Hunt Associate's pre-indictment immunity revealed," 2/11/93

The Hotline, "Alabama: Evans charged with conducting a 'publicity blitz'," 1/14/93

The Hotline, "Alabama: trial may hinge on Hunt's knowledge," 1/12/93

The Hotline, "Alabama: Let's go tot the videotape!," 1/8/93

The Hotline, "Alabama: Hunt and the Gatherer," 1/6/93

The New York Times, Ronald Smothers, "Indicted Alabama governor behaves as if he wasn't," 12/30/92

The Atlanta Journal and Constitution, Jim Yardley, "Indicted Alabama governor says he's innocent, won't resign; stealing of \$200,000 in 13 felony counts," 12/29/92

USA Today, Gary Fields, "Alabama's Gov. Hunt indicted // Charged with theft of funds," 12/29/92

University Alabama Press, Frank Sikora, "Until Justice Rolls Down," 4/30/91

The Associated Press, "Defendants to appeal verdicts in TV satellite descrambler trial," 12/15/89

The Associated Press, Jay Reever, "Alabama politician pleads innocent to influence-peddling charges," 6/28/88

The Associated Press, Paul Newberry, "High-profile state representative pleads innocent to bribery," 6/28/88

Reader's Digest, Joseph P. Blank, "The Day They Bombed the Church," 11/78

For the following no note or transcripts are available:

Alabama Public Television, "For the Record: On Sentencing of Corporate and Public Officials," 6/27/09

WSFA-TV, "Representation of the President of Alabama State University," 1995-1996

Alabama Public Television, "For the record: On appeal of Governor Hunt's conviction," 1994

WSFA-TV, "Representation of Governor Mike Hunt," 4/93, 3/9/93, 1/9/93

60 Minutes, Mike Wallace, "Federal Tort Claim"

13. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

Jan. 1971 – Jan. 1979 Deputy Attorney General for the State of Alabama. Appointed by William J. Baxley, Attorney General for the State of Alabama.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

Member of the Alabama Democratic Party since birth. In 1966, assisted Finis St. John in running for State Representative from Cullman County, Alabama. Assisted Lieutenant Governor Albert Brewer in the governor's race in 1971. Assisted Attorney General William J. Baxley in

his statewide races for Governor in 1978, for Lieutenant Governor in 1982 and for Governor in 1986. While I had no title, I assisted him with his schedule and made speeches in his absence. I have also organized and hosted fundraisers for Democratic statewide office candidates Terry Butts for Attorney General in 1998; and Gene Reese for the Alabama Supreme Court in 1994; as well as Circuit Judge candidate Sally Greenhaw in 2000.

14. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not served as a judicial law clerk.

ii. whether you practiced alone, and if so, the addresses and dates;

1979 – 1982 George L. Beck, Jr., Sole Practitioner
504 Martha Street
Montgomery, Alabama 36104

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

2004 – Present Shareholder
Capell & Howard, P.C.
150 S. Perry Street
Montgomery, Alabama 36104

1986 – 2003 President and Sole Shareholder
George L. Beck, P.C.
22 Scott Street
Montgomery, Alabama 36104

1982 – 1986 Law Partner
Baxley, Beck, Dillard & Dauphin
105 S. Lawrence Street
Montgomery, Alabama 36104

1979 – 1982 George L. Beck, Jr., Sole Practitioner
504 Martha Street
Montgomery, Alabama 36104

1971 – 1979 Deputy Attorney General for the State of
Alabama
Office of the Attorney General
Montgomery, Alabama 36103

1966 – 1971 Associate
St. John & St. John
Cullman, Alabama 35056

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have served as a mediator under certificate from the Alabama State Bar since 2001.

July 2004 In re: Pamela C. Lackey. This mediation involved alleged improper repairs and damage to an automobile. All issues resolved to the satisfaction of the parties.

June 2005 Gary E. Kiser v. Thomas R. Debray, et al. Mediation involving alleged legal malpractice in neglect of a client's case. All issues resolved.

September 2005 Joel Denbo, et al. v. Thomas R. Debray, et al. Mediation over alleged failure of an attorney to properly and reasonably notify the plaintiffs' insurance carrier of a potential claim. All issues resolved.

February 2005 David Lee v. Regions Bank. This mediation centered around the alleged failure of the bank to honor its commitment to lend funds. Issues partially resolved at mediation and subsequently settled.

March 2007 Tommy Pinkston, et al. v. Merry Corner. This mediation was over alleged flooding of commercial property. Issues not resolved at mediation, but led to eventual settlement.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

In January 1966, I began the general practice of law, primarily civil defense practice, with the father-and-son law firm of Finis E. St. John, Jr. and Finis E. St. John, III, in Cullman, Alabama. After five years, I was appointed Deputy Attorney General by Attorney General-elect Bill Baxley and served in that capacity from 1971 through 1979. From 1979 to 1982, I was a solo practitioner in Montgomery, Alabama. In 1982, I joined the law firm of Baxley, Beck, Dillard & Dauphin, and served as a partner where we operated offices out of Birmingham and Montgomery, Alabama. In 1986, I resumed the sole practice of law and formed George L. Beck, Jr., P.C., at 22 Scott Street, Montgomery, Alabama. I had two to three associates and five to seven employees between 1986 and 2003. In 2004, I joined the law firm of Capell & Howard, P.C., a Montgomery law firm consisting of approximately 35 to 37 attorneys and 75 employees. I am a shareholder in that firm and currently practice general litigation, including white-collar criminal defense, with that firm.

I have practiced law in each of the three United States District Courts for Alabama. I began in the Northern District where I was admitted in 1966. I subsequently was admitted in the Middle and Southern Districts of Alabama. I have practiced law in nearly every county within the State of Alabama. My practice includes a variety of civil plaintiff work and defense of white-collar crime cases. I have also handled defense of violent crimes, including capital cases.

I have extensive experience in appellate practice, both in the state and federal courts. I have both prosecuted and defended various public officials, including trial and appeal.

After five years of private practice, I served as Deputy Attorney General from 1971 – 1979 where I actively litigated numerous high-profile cases which significantly impacted public policy in the State of Alabama. Litigation over air and water polluters, strip miners and overweight truckers brought about tougher legislation for consumers. I investigated and prosecuted corrupt public officials and corporate abusers of Alabama's industrial bond revenue statutes. I successfully prosecuted the first felony under Alabama's new, tough Ethics Act in the 1970s.

My career changed in 1979 when I became a sole practitioner in the City of Montgomery, Alabama. I generally represented consumers and injured parties as a plaintiff's attorney against insurance companies, credit lenders and other corporations. This practice included handling cases in state and federal court. I generally limited my practice to the Montgomery, Alabama area, but occasionally took on cases in adjoining counties and in southeast Alabama. Civil cases also included representation of those who felt their civil rights had been abused and violated by policemen, school systems and other government agencies. Claims included First Amendment violations, violations of due process and equal protection.

In the mid-1980s, the character of my practice changed somewhat in that I became involved in more class-action litigation, primarily representing consumers who were injured by insurance companies and credit lenders. I also represented taxpayers against the State of Alabama in connection with improperly levied property taxes. I continue to represent clients accused of criminal activities both in state and federal courts. Also during the 1980s, there seemed to be a gradual increase in federal court activity, both in my civil and criminal practice.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

Typical clients in the early years of my practice included blue-collar workers, schoolteachers and individuals fighting for jobs or damages because of employment discrimination, automobile accidents, slip and falls, and assaults. Most of my criminal practice involved crimes of violence or theft. However, because of my background at the Attorney General's Office, I also began to represent civil and criminal cases that involved extensive document analysis. After initially representing county commissioners in criminal corruption cases, I developed more of a reputation as a "white collar" attorney and have represented both public officials and corporate officials in tax, public corruption, bribery, Medicaid fraud and similar wrongs.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Ninety percent of my practice has been in litigation, and I appear frequently in court.

- i. Indicate the percentage of your practice in:
 - 1. federal courts 40%
 - 2. state courts of record 45%
 - 3. other courts 10%
 - 4. administrative agencies 5%

- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings 50%
 - 2. criminal proceedings 50%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried approximately 850 cases. Of these, I was sole counsel for 450, chief counsel for 150, associate counsel for 150, and sole counsel for 100 administrative matters.

- i. What percentage of these trials were:
 - 1. jury 20%
 - 2. non-jury 80%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

Though I have filed petitions for writs of certiorari and briefs on several occasions, they have all been denied.

- 15. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

- (1) *Chambliss v. State*
373 So. 2d 1185
Circuit Court of Jefferson County, Alabama
The Honorable Judge Harris, Court
1976 – 1979

Co-counsel: William J. Baxley
2008 3rd Avenue South
Birmingham, Alabama 35233
(205) 271-1100

Opposing Counsel: Arthur J. Hanes
2121 Highland Avenue South
Birmingham, Alabama 35205-4001
(205) 939-0033

Participation and Final Disposition:

On September 15, 1963, a bomb exploded at the Sixteenth Street Baptist Church in Birmingham, Alabama. The blast killed four African American teen and preteen-aged children and blinded another young girl. Birmingham police either could not or would not solve this heinous act. When Attorney General Bill Baxley took office in 1971 as the youngest attorney general in the nation, he vowed to bring those responsible to justice. His early investigations produced no tangible results. “Hot” leads turned into dead ends. Beginning in 1974 or 1975, and with the cooperation of the FBI, the attorney general asked me to again reopen the investigation. We put together several files on a series of bombings that occurred over a period of time in the Birmingham area.

Evidence of dynamite and a fishing bobber were found at the scene. Plans had been uncovered for the use of some type of “bucket, water drip” bomb. Together with independent leads and the receipt of material facts from old FBI files, a case was made against several individuals. When eyewitnesses placed characters at the church a short time before the explosion and incriminating statements were made by a major suspect both before and after the bombing, an indictment was returned.

In September 1977 “Dynamite” Bob Chambliss was convicted for his participation in the Sixteenth Street Baptist Church bombing. Chambliss was sentenced to prison, and the conviction was upheld on appeal.

During this investigation, an indictment was also returned against white supremacist J. B. Stoner for his participation in arranging the bombing of Reverend Fred Shuttlesworth’s church, also in the 1960s. Attorney General Baxley’s term of office expired before the Stoner case came to trial. However, Stoner was later convicted and sentenced to prison. His conviction was also upheld by the Alabama Supreme Court.

- (2) *Lee v. Macon County Bd. Of Educ.*
970 F. 2d 767
United States District Court for the Middle District of Alabama
The Honorable Robert Edward Varner, U.S. District Judge
September 18, 1992

Co-counsel: Dennis R. Pierson
458 South Lawrence Street
Montgomery, Alabama 36104-4220
(334) 399-9244

Opposing Counsel: Deborah H. Biggers
113 East Rosa Parks Avenue
Tuskegee, Alabama 36083-1750
(334) 727-0092

Participation and Final Disposition:

The parents of Notasulga refused to close this school in defiance of then Governor George C. Wallace and elected to integrate pursuant to the Federal Court's sweeping desegregation order. Thirty years later, the Macon County Board of Education attempted to close Notasulga High School. I was hired by the parents of the children attending the Notasulga School and fought the closing of the Notasulga High School and its consolidation with the high school in Tuskegee, Alabama. After a hearing on the merits, Judge Varner issued an opinion that denied the closing of the Notasulga High School and refused to allow the Macon County Board of Education to consolidate those students into the high school at Tuskegee, Alabama. The 11th Circuit Court of Appeals affirmed the ruling. On motion for rehearing, or in the alternative for an en banc hearing, the motion was granted. Upon a hearing by the court en banc, Judge Varner's ruling was upheld.

- (3) *Gess v. U.S.*
991 F.Supp. 1332
United States District Court for the Middle District of Alabama
The Honorable Ira De Ment, U.S. District Judge
September 17, 1997

Co-counsel: Gilbert Kendrick (deceased)
Randolph B. Moore
4170 Lomac Street
Montgomery, Alabama 36106
(334) 272-6464

Opposing Counsel: Redding Pitt
2025 Third Avenue North
Suite 400
Birmingham, Alabama 35203-3372

Participation and Final Disposition:

Twelve patients, including 11 infants, who had been involved in a series of suspicious life-threatening events while in the nursery ward of an Air Force hospital brought action under Federal Tort Claims ACT, alleging that injuries were caused by a medical technician who had surreptitiously injected patients with lidocaine or other similar drug.

After actions were consolidated, the District Court, 952 F. Supp. 1529, decided questions of duty on the part of the hospital and breach of duty in favor of the patients. The court found a causal connection between the injection of lidocaine and the symptoms exhibited by the patients both at the time and later in life. The symptoms exhibited by the newborn babies included bradycardia, acidosis, apnea, hyperglycemia and cyanosis. The case was difficult because very little clinical research had been done on the effects of lidocaine poisoning on the central nervous system. Also, the cause of action was not brought until seven or eight years after the birth of the children.

We were able to prove almost exclusive access by a medical technician to the 11 children at the time they exhibited a simulacrum of physical symptoms which led the court to believe they had been tampered with by the med tech which led to the court's initial finding of negligence on the part of the government. Testimony from a neonatologist revealed that animal studies on preterm rats exposed to lidocaine suffered permanent impairment of their intelligence, attention and response. A second study revealed that nerve cells in their rapid growth stage are blighted and distorted by lidocaine and that the actual function of nerve cells is decreased or impaired upon lidocaine exposure.

Testimony indicated that all studies involving a critical evaluation of the effects of lidocaine exposure on neonates suggested that nervous system damage could result. Furthermore, since the infants as a group displayed remarkably similar behavioral, cognitive and physical impairments, a reasonable inference within a reasonable degree of medical certainty could be drawn that lidocaine caused the damage to their nervous systems. The court awarded approximately a \$17.5 million collective verdict on behalf of the infants, which is one of the largest verdicts under the Federal Torts Claims Act that I can find. The case was settled on behalf of the parents of the nine infants while pending appeal to the United States Court of Appeals for the Eleventh Circuit.

- (4) *New South Investment Corp., et al. v. KPMG*
CV-1995-1940
Circuit Court of Montgomery County, Alabama
The Honorable Sarah M. Greenhaw, Court
1995 – 2000

Co-Counsel: R.K. Hunter
117 Seamarge Circle
Pensacola, Florida 32507
(850) 456-0737

David B. Byrne, III
218 Commerce Street
Montgomery, Alabama 36103-4160
(334) 269-2343

Thomas S. Lawson, Jr.
James N. Walter, Jr.
150 South Perry Street
Montgomery, Alabama 36104
(334) 241-8000

Opposing Counsel: Ronald G. Davenport
184 Commerce Street
Montgomery, Alabama 36101-0270
(334) 834-8480

Participation and Final Disposition:

The Alabama Insurance Commissioner had written down the assets of two insurance companies which forced the companies into receivership. The basis of the write-downs was based largely upon opinions given by the accounting firm, KPMG, concerning the value of a reinsurance treaty and unearned premium reserves. The receivership caused the companies to lose their policyholders, sales force and business. I filed a lawsuit based upon fraud, suppression of facts and other legal theories against KPMG accounting firm on behalf of two insurance companies. The issues involved appropriate appraisals of insurance assets, evaluation of reinsurance treaties, evaluation of earned and unearned premium reserve and other issues which, when materially written down, caused the insurance companies to go into receivership. Numerous witnesses and expert witnesses were called by both parties. The jury trial resulted in the largest non-governmental verdict in Montgomery County Circuit Court history in the amount of \$37.2 million. The case was settled pending appeal.

- (5) *Blackwelder v. Alabama Junior Comm. College*
623 So. 2d 1089
Circuit Court of Montgomery County, Alabama
The Honorable William R. Gordon, Court
1983 – 1995

Co-counsel: C. Knox McLaney, III
509 South Court Street
Montgomery, Alabama 36104-4103
(334) 265-1282

Opposing counsel: Clyde C. Owen
2000 Interstate Park Drive
Suite 204
Montgomery, Alabama 36109-5420
(334) 387-7680

Participation and Final Disposition:

The plaintiffs were all participants in an insurance plan that, due to underfunding, was unable to pay its obligations and failed. In January 1980, Dr. William McWhorter, the president of one of Alabama's junior colleges, became interested in organizing a consolidated health insurance plan for all of Alabama's junior, community and technical colleges. He sent questionnaires to the presidents of the other schools to ascertain their interest in such a plan. Once the results were compiled, they were provided to L & H, a third-party administrator of insurance plans with which Dr. McWhorter had had periodic contact concerning the then-existing insurance plan at his college.

In the fall of 1980, a joint committee of presidents of the colleges ("the Committee") was appointed by the Presidents' Association to study the then-existing insurance plans of the schools and to make recommendations for any changes. The Committee concluded that a self-funded insurance plan should be created; and it initially recommended a plan offered by Central Bank in association with Blue Cross, with life insurance provided by American Foundation Life Insurance Company.

The alternative plan proposed by L & H called for lower premiums than did the plan offered by Central Bank, and it was accepted by the Committee. This plan was reinsured by Harbor. The acceptance of the L & H plan led to the creation of the Alabama Junior/Community Colleges and Technical Colleges Employee Benefit Plan. The plan was subsequently presented to the employees of the schools and, eventually, over 1,300 employees at 28 of the schools decided to participate. The plan collapsed after just one year of operation.

Mr. McLaney and I represented employees of the 27 institutions comprising the Alabama Junior Community College System for improperly calculating and assessing their healthcare insurance premiums.

The case is significant because it ushered in Alabama's modern-era of class action lawsuits. A multi-million-dollar verdict was obtained. The case was reversed on appeal by the Alabama Supreme Court.

- (6) *Hunt v. State*
642 So. 2d 999
Circuit Court of Montgomery County, Alabama
The Honorable Randall Thomas, Court
December 13, 1993

Co-counsel: Terry Travis
(Address unknown)

Opposing counsel: James H. Evans
P.O. Box 301
Montgomery, Alabama 36101
(334) 262-7575

Participation and Final Disposition: On December 28, 1992, a grand jury indicted then-governor, Guy Hunt, of Alabama for violation of the State Ethics Law which prohibits an elected official from using his office for direct personal gain. Although 13 counts were returned in the original indictment, 12 of the 13 counts were dismissed by the Circuit Court before the trial began. The indictment charged Governor Hunt with using \$200,000 in campaign funds for his personal use. While the Alabama Ethics Act prohibits the use of a public office for personal gain, the Alabama Fair Campaigns Practices Act allowed the use of excess campaign funds to defray any ordinary and necessary expenses incurred by the official in connection with his duties as a holder of the office. The defense contended that not only was the governor being selectively prosecuted for improper use of campaign funds, but that his use of excess campaign funds to repay expenses incurred in a previous campaign was not unlawful. The court convicted Governor Hunt, and he was removed from office.

I represented Governor Hunt in his trial. I also represented him on his appeal to both the Alabama Court of Criminal Appeals and to the Alabama Supreme Court. These courts affirmed his conviction. I then brought action by writ of habeas corpus in the United States District Court for the Northern District of Alabama, and that petition was denied. Governor Hunt's appeal of the denial of the writ of habeas corpus to the U.S. Court of Appeals for the Eleventh Circuit was also denied. The United States Supreme Court failed to grant cert. Several years later, Governor Hunt was declared innocent and pardoned by the Alabama Pardon & Parole Board and all rights restored.

(7) *Pryor v. American Bankers Insurance Co. of Florida*
715 So.2d 196
Circuit Court of Coffee County, Elba, Alabama
The Honorable Thomas E. Head, Court
December 16, 1997

Co-counsel: Warren Rowe
1208 Rucker Boulevard
Suite D
Enterprise, Alabama 36330
(334) 347-3401

Opposing Counsel: Robert A. Huffaker
184 Commerce Street
Montgomery, Alabama 36101-0270
(334) 834-8480

Participation and Final Disposition:

Mr. Rowe and I filed a class action lawsuit against American Bankers Insurance Company of Florida on claims involving improper charges on loans, failure to disclose charges and wrongful placement of force-placed insurance based upon fraud and negligent conduct. The plaintiffs sought certification of three classes:

(1) All persons within the State of Alabama whose retail installment contracts include a finance charge disguised or defined as a dealer discount, dealer reserve, holdback or additional sum added to the contract as a cost of doing business with Mercury;

(2) All persons within the State of Alabama who became indebted to Mercury and against whose account any charge was made for purchase of single interest insurance; and

(3) All persons within the State of Alabama who became indebted to Mercury Finance Corporation of Alabama, Mercury Finance Company of Illinois and American Bankers Insurance Company of Florida and against whose account any charge was made for the purchase of credit life insurance, including but not limited to life, disability, household goods, unemployment or other credit life insurance.

The trial court granted the plaintiffs' motion and conditionally certified the three classes. However, on mandamus, the conditional class certifications were dissolved. The case was settled before trial which resulted in awards to the class members.

- (8) *McGriff v. Minnesota Mut. Life Ins. Co.*
127 F. 3d 1410
United States District Court for the Northern District of Alabama
The Honorable J. Foy Guin, Jr., Court
November 18, 1997

Opposing Counsel: Ollie L. Blan
Birmingham, Alabama

Participation and Final Disposition:

In the fall of 1987, Minnesota Mutual Life Insurance Company ("MML") recruited Joel McGriff as an MML agent. At the time, McGriff was employed by Principal Mutual Life Insurance Company, where he had been an active agent since 1983. While being recruited, McGriff received a recruiting booklet describing the uniqueness of the business opportunities at MML.

McGriff also testified that other senior employees told him that while working at MML, he would have the opportunity to build his own business with a specific equity value, much like a franchise. Based on these statements, McGriff understood the MML business opportunity to include, in addition to renewal income, compensation for McGriff's "block of business" if and when his agency with MML terminated.

On October 12, 1987, McGriff signed an agent's contract with MML, and from 1987 until 1994, sold insurance policies and annuities for MML. In May of 1994, the general agent in Birmingham, under whom McGriff had been working, left MML. Shortly after the general agent's resignation, MML wrote McGriff a letter terminating his Agent's Contract because of the general agent's departure.

I represented Joel McGriff against Minnesota Mutual Life Insurance Company on a claim of a lifetime contract after being terminated by the company. The District Court awarded damages for breach of the contract and fraud. On appeal, the judgment for damages on the lifetime contract was reversed. However, the United States District Court of Appeals for the Eleventh Circuit remanded the fraud count for a new trial. The case was then settled pending the second trial.

- (9) *United States v. Nathan Mathis*
United States District Court for the Middle District of Alabama
The Honorable Harold C. Albritton, Court
1996-1997

Opposing Counsel: Charles Niven, Assistant U.S. Attorney
Montgomery, Alabama

Participation and Final Disposition:

The FBI discovered that a car and boat theft ring was operating in southeast Alabama. Farm tractors were also involved. Some of the stolen property was found in a barn, and other stolen items were found scattered throughout the area. Some of the vehicles were linked to state representative Nathan Mathis, who, along with his young son, was indicted for theft of boats, boat trailers and vehicles by the United States government.

At the end of the government's case, I moved for an acquittal on behalf of both the state representative and his son. The court denied the motion for acquittal on behalf of the state representative, but granted the motion for acquittal on behalf of the state representative's son. The case proceeded against Mr. Mathis and several other alleged co-conspirators. Some of the defendants testified, and others did not. Representative Mathis testified that he had no knowledge of any theft ring, did not participate in any theft and had not assisted any of the co-defendants in concealing or transporting any of the alleged stolen items. At the end of the trial, I renewed my motion for acquittal on behalf of Mr. Mathis, but this motion was also denied. The jury found Mr. Mathis not guilty, although several others were convicted.

- (10) *United States v. Kim Cleckler*
2:06-CR-202
United States District Court for the Middle District of Alabama
The Honorable Keith Watkins, Court
2006 – 2007

Co-counsel: Terrie S. Biggs
150 South Perry Street
Montgomery, Alabama 36104
(334) 241-8000

Opposing Counsel: Andrew O. Schiff, Assistant U.S. Attorney
131 Clayton Street
Montgomery, Alabama 36104
(334) 223-7280

Participation and Final Disposition:

Kim Cleckler was an owner in a business known as Gene's Marine. His father, Gene Cleckler, had started the business. The business included the sale and repair of fishing boats. Gene operated a store in one location, and his son, Kim, operated a business in another location.

My associate and I represented Kim Cleckler when he was indicted for tax fraud. The essence of the government's case centered around an allegation of bogus, inflated inventory; charges for expenses for which no

expense invoices could be produced and general non-reporting of income. My client, Kim Cleckler, was able to produce records of income and expenses from his Montgomery location. Cross-examination of the government's accountant indicated that Kim's father, Gene, "called the shots" and that Kim Cleckler's records were current and accurate. All motions to acquit were denied. The case went to the jury. And although the jury returned a verdict of guilty against the father, Gene Cleckler, our client, Kim Cleckler, was found not guilty on all counts.

16. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

As Deputy Attorney General for the State of Alabama, I was actively engaged in the prosecution of civil and criminal cases of a public nature. A significant interest from 1971 through 1974 involved environment issues. Very few states had legislation regulating air, water or land pollution. What legislation existed was weak. I was able to assist the Attorney General in using this high office to help restrict and regulate the many abuses that were being committed by a few of Alabama's unthoughtful citizens. The first major lawsuit was the filing of a common-law public nuisance complaint against 13 major industrial polluters in Birmingham. Although the case did not go to trial, it let those polluters know that the Attorney General was serious and led to one of the toughest air pollution laws of the nation.

Similar results were obtained in the area of water pollution involving fish kills and water contamination. A significant case was filed in Mobile because a cement company was dredging old oyster shells for use in its cement plant for lime. Its dredging caused mud and silt to settle on grass, damaged fish hatcheries and removed significant bedding opportunities for young oyster spat. Although the injunctive relief sought was ultimately denied, significant strides were made in the area of regulations in the use of water and fishery habitat that justified the lawsuit.

Similar efforts were made against strip miners. Actions for injunctive relief, Attorney General opinions and discussions with law enforcement and industry helped formulate legislation and administrative rules that eliminated most of the abuses committed by some outlaw mining companies.

The restraint of power also served to let the big companies know that regulators could not enforce laws against the small operator to grab headlines and allow the large operators to flaunt the rules. Although these activities did not

result in litigation, the threat of litigation, the reputation of the office for following through with legal action and stern conferences with regulators in industry helped provide a cleaner environment for the state.

In the mid-'70s, I began to concentrate on public corruption cases. Alabama had recently passed a strong ethics act which limited activities of public officials. I prosecuted the first felony violation of the Alabama Ethics Act when the defendant received public funds for the purpose of teaching a class for which he provided little or no instruction. Later, I assisted the Assistant District Attorney in Birmingham, in prosecuting an insurance agent who assisted a public official in using his office for personal gain. During this time, a series of industrial bonds in the millions of dollars had been issued to out-of-state companies purporting to establish new businesses in Alabama. The revenue from the lease of the property to the new business was supposed to carry the debt and eventually retire the bonds. It became apparent that these "new companies" were nothing more than fronts for attorneys, bond issuers and certain principals to obtain upfront fees and leave little or no operating capital for these "new companies" on which to operate and repay the lease and ultimately the bonds. Therefore, the bonds were destined to go in default and leave the State of Alabama and local government short of funds. One such case involved my traveling from Alabama to Arizona to New Mexico to Nevada to California to Texas and back to Alabama to uncover the trail of checks and cash laundered by these principals. In addition to two principals being convicted for fraud, I was able to obtain a misdemeanor conviction of the famous "Stewart Hopps," one of the principals described in "The Fountain Pen Conspiracy." These cases were in addition to the death penalty issues, civil rights prosecutions and enforcement of Alabama truck weight laws in which I personally participated.

In private practice, I have also represented various professionals before administrative boards. I believe that one's professional peers are sometimes tougher on an alleged violator than a layman would be. The panel members as a whole generally seem to hold the respondent to a higher standard than sometimes is practical. Thus, it is a challenge to represent a nurse, doctor, dentist or lawyer before one of their peer groups. I have also learned through experience that once a claim or complaint reaches the hearing stage, it is very difficult to settle without a hearing. The panel members do not want to have the responsibility of having compromised for someone's license and being let down if that licensee causes injury to a patient or client. I understand their position. Therefore, these board hearings amount to many trials which involve all the skills of an advocate, including demonstrative aids, expert witnesses, cross-examination and legal argument. There are an increasing number of young attorneys who either lack the financial means or knowledge to maintain a trust account of client funds separate from their operating account. Thus, many claims today involving lawyers are over the abuse or misuse of client funds. It is always rewarding to assist young lawyers who have made mistakes in accepting their responsibility, agreeing to a mentoring process and, hopefully, not repeating their mistakes. Professionals

who go through this process learn that although their license is a valuable property right, it is also a privilege that can be taken away should their improprieties warrant such drastic action.

Immediately after leaving the Attorney General's Office, I was asked to assist the Alabama Trial Lawyers in their lobbying efforts before the legislature. I served for approximately two years in this capacity, and it served as a very valuable experience. Not only did I get to know the legislators and public officials whom I had not already met, but I also learned to appreciate the "Grand Canyon" that separated the consumer and corporate worlds. This was the only client for whom I ever lobbied, and I worked with other trial lawyers to get legislation to amend the statute of limitations, impose contributory negligence and other matters. While not successful in obtaining new legislation, we did prevent some unwanted legislation from being passed through our efforts.

Later in private practice, I was fortunate to be approached by the Alabama Nursing Home Association to do some of their legal work. This work involved appearing before the Certificate of Need Board, answering general questions about their legal rights and other matters. One area of litigation involved the Nursing Home Association's attempt to prevent the federal government from establishing a nursing home for veterans in Alabama. The Association's theory was that the federal government should not be competing with private industry. Needless to say, the Association lost this case.

Today, I serve in the litigation section of a 35-member law firm in Montgomery, Alabama. We do general civil litigation, both for plaintiffs and defense. I maintain my active representation of white-collar defendants while also representing attorneys and other professionals who receive complaints affecting their license and ability to practice their respective professions. About 40% of my work involves the representation of plaintiffs in civil matters. I also represent the State of Alabama in defense of individual state employees.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

None.

18. **Deferred Income/Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

If I am confirmed, I will resign from my position at Capell & Howard P.C. Upon my resignation, I will receive payment from my firm, as is detailed in my ethics agreement and public financial disclosure report. In addition, I will receive a refund of my interest in Perry Adams, LLC, the entity which owns and manages Capell & Howard, PC, and a refund of my capital account from Investment Partners, a general partnership of Capell & Howard, PC. The only future benefits I expect to receive are from a military retirement, investment property, and personal investment and retirement accounts.

19. **Outside Commitments During Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

20. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

Financial Disclosure Report is attached.

21. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

Net Worth Statement is attached.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated

agency ethics official to identify potential conflicts of interest. Any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

In the event of a potential conflict of interest, I will consult with the ethics officials for the Executive Office for United States Attorneys, Department of Justice.

- 23. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

Since 1979, I have served on our criminally indigent defense panel for the Fifteenth Judicial Circuit for Montgomery County, Alabama. I have accepted numerous cases for little or no compensation, including a capital murder case.

I also served on the indigent criminal defense panel for the Middle District of Alabama from 1979 through 2004. I most recently represented pro bono, D.C. sniper, John Muhammad, which involved local investigation, one appeal to the Alabama Supreme Court and general representation until his legal execution. When initially formed, I helped organize and later served as a member of the Board of Directors of the Federal Defenders project established for the Middle District of Alabama. I have accepted referrals from our Alabama State Bar pro bono referral service.

- 1967 Cullman Jaycees Program Chairman for the Speedboat Races on Lake Guntersville
- 1968 Cullman Jaycees Organizer of County-wide Junior Miss Pageant
- 1968 – 1969 Cullman Kiwanis Pancake Supper

AFFIDAVIT

I, George L. Beck, Jr., do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

April 5, 2011
(Date)

George L. Beck, Jr.
(Name)

Michelle Berry
(Notary)

My Commission Expires July 29, 2013