

Tarrant Pinson Valley Rotary Club

Thursday, April 30, 2009

Noon

This is the third time that I have spoken to a Rotary Club (fourth if you count giving the same speech twice), but it is the first time in more than a decade. The first time that I spoke to a Rotary Club was when I was a senior in high school. I won a speech contest given by the Mobile Sunrise Club on the Four Way Test. My father has been a Rotarian in the Mobile West Club for more years than he would care for me to admit to you, and he has served as president of his club for two terms. When I told him that I would be speaking to you today, he wanted me to give the Four Way Test speech. That's a father for you: still proud of a high school essay. He was very proud at the time too, which is why I found myself making that speech again at another Rotary Club a few weeks later. Now, if y'all sponsor a speech or essay contest on the Four Way Test, please let me know. I would love to recycle some material.

My second trip to the Rotary Club podium was when I was still in college. I had developed a program entitled, "Goal Setting for Group Dynamics." Again, my father invited me to give the presentation. I can't honestly say what the Rotarians thought about it, but the speech was oriented around an acronym. So, it must have been good.

That brings me to today for my third chance to address Rotarians (or fourth, depending on how you're keeping score). However, I am extremely honored to receive my first invitation that is not the direct result of unabashed nepotism. So, I would like to thank Cheryl Green, the Tarrant City Clerk, for asking me to be here with you today.

When Cheryl extended the invitation, I had just been appointed Tarrant City Attorney, but for the past four years, I have served as the Prosecutor for the City of Tarrant. Cheryl asked me to share with you a little bit about my practice, and more specifically, to share with you about some of my experiences in the Tarrant Municipal Court. I promise that I will do that, but I hope that no one will be disappointed if I do not spend the requested fifteen minutes on the topic. Don't get me wrong. I could talk about my experiences in the Municipal Court all day long. In fact, I often say that all of my stories that are worth telling come from that one day a month that we hold the Municipal Court trial docket.

But, before I get to all of that, I hope that you will indulge my need to talk about Rotary a little more. I have always admired Rotarians and the ideals for which Rotary stands. In particular, you should take great pride in the motto of your organization, "Service Above Self." If it were not for this motto, Rotary would not matter to anyone, except for Rotarians themselves. Instead, Rotarians across the world have worked together in support of so many important causes, both locally and globally. We could never begin to count the number of lives that have been made better by Rotarians giving of themselves, donating their time, talent, and resources to make this world a better place.

Now, I've never been a Rotarian, but I have been in organizations that seek to serve. When I think of the call to serve, there is one name that comes immediately to my mind, the name of the person who best illustrated in my life why we must answer the call to serve. That name is "Peewee."

Peewee knew the swift hand of abuse, and it was this hand that introduced us. One night a week, a service club that I was active in visited a shelter for battered women and their children to provide programming for the crowd of kids that needed to be watched while their mothers

participated in a group session. The Thursday night that Peewee came to us was not one out of the ordinary, but it didn't take long to notice Peewee. When we entered the playroom, there he was. He was up. He was down. He was under. He was over. He was all around, but most of all, Peewee was out of control!

Amidst the cheerfulness of the playroom, something dark lurked. At a very mature age of four, Peewee had already dealt with more horrors and nightmares than most of us will meet in a lifetime. That is why Peewee turned from me to play with the others. That is why Peewee was afraid of me. Was it me, a male? Was it me, a father figure? It was me, a symbol of every fear he knew. That was the first week.

The next week at the shelter began much the same. However, as the night continued, and Peewee saw some of the spectacular tricks I could do for the other children with an ordinary basketball, he began to relax.

Still, it was that third week that Peewee did something I will never forget. When we walked into the playroom, Peewee came running up and out came one BIG hug from one little guy. For the rest of the night, Peewee became a permanent fixture on my back as we conquered the playroom together. It was during that game that Peewee slipped off for a moment, and by the time I turned around, there he was on top of the red and green, plastic playhouse. He had climbed to about six feet in the air, placing him slightly above my own head. Then, Peewee threw open his four-year-old arms and waited. Of course, I threw open my arms, and down slid Peewee.

I didn't realize the importance of this singular act until later that night. Indeed, it is incredible to have that child-like faith that when you open your arms someone will catch you, knowing that you are important, knowing that someone cares. The parallel of this act to the

volunteer service movement is undeniable. Here we stand with stretched out arms to the world saying, “Come on, I’ll catch you.”

The fellowship of your organization, the leadership opportunities of your organization: that is *for* you. The service of your organization: that *is* you. Actually, to be perfectly fair, maybe the service of your organization is for you too. Paul Harris, the founder of Rotary, once said, “Our slogan is ‘Service Above Self.’ If applied earnestly and unremittingly, it will restore the patient to normalcy and bring him the happiness he has been seeking in vain. . . Happiness is a state of mind, it comes unsought and it is the by-product of wholesome, sensible, unselfish living and thinking.” Harris’s quote is somewhat undefined, but I think that is the genius of it. He does not clearly identify the patient to whom he is referring. Is the patient those that Rotary serves? Or, is the patient who is cured to normality those that serve? Honestly, I think that it is both. In either case, he’s right that such unselfish living will yield happiness if we will just commit to act and give it a chance.

I am a fan of Garrison Keillor’s *Prairie Home Companion*. The weekly NPR radio program is “sponsored” by the fictitious product “Powdermilk Biscuits,” which is promoted as “Made from whole wheat raised in the rich bottomlands of the Lake Wobegon river valley by Norwegian bachelor farmers; so you know they’re not only good for you, but pure . . . mostly,” and the product is claimed to “give shy people the strength to get up and do what needs to be done. Heavens they’re tasty and expeditious.” For a long time, I have believed that the world is divided into two types of people: those who have the strength and courage to get up in the morning and do what needs to be done and those who do not. Rotarians by definition are the former set. You have answered the call. You have fed the hungry. You have clothed the needy.

You have cured the sick. You have stretched out your arms. Simply put, you get up in the morning and do what needs to be done.

When I think of commitment to serve, that brings me to mention my law partner, Buddy Tingle, and back to my promise to tell you a little bit about my practice. In February of this year, after forty-seven years of service, Mr. Tingle announced his retirement as City Attorney for Tarrant. Show of hands: Is there anyone here who has heard of Buddy Tingle? Maybe an easier way to ask is if there is anyone here who has not. Born and raised in Tarrant, Mr. Tingle was the president of the first graduating class of Tarrant High School. For almost half a century, he called the City of Tarrant his favorite client. People have said that those will be big shoes to fill, but his shoes couldn't be filled in a hundred years. You might like to know that, although he has retired as City Attorney, Mr. Tingle still comes to work every day, and I have the good fortune of manning the office next to his. He remains one of my greatest resources and advisors.

I do not yet have the grey hair that Mr. Tingle has earned. But, forty-seven years ago, the City of Tarrant invested in a young attorney, approximately three years younger than I am now, and the rest, as they say, is history. I am thankful to the Mayor and Council for my appointment, and I can only look forward to serving as Tarrant's City Attorney for the next forty-seven years too.

At the beginning of my practice, I worked for a small firm almost exclusively handling cases assigned by the Alabama Municipal Insurance Corporation. Mr. Tingle then hired me to assist Hand Arendall with its municipal practice. I also serve as the attorney for the Town of Mulga. Through my practice, I have helped Alabama cities and towns defend themselves against a wide variety of lawsuits and claims. I have represented over three dozen Alabama municipalities in litigation and/or through a city attorney relationship.

In addition to my municipal work, I have a general defense litigation practice. I have also developed specializations in collections, employment matters, and contract negotiations. Unfortunately, these days, if you are going to have a specialization in collection, you also have to be conversant in bankruptcy.

My firm, Hand Arendall, provides its clients with legal services in all areas of traditional civil practice. The firm was organized in 1941 and has over eighty lawyers, making it one of the largest law firms in the State of Alabama. According to my firm's website, we have "a fundamental commitment to providing quality legal services in a timely and cost-effective manner." I think that just means that, if you need a lawyer to punch someone in the nose, give us a call. We should be able to help with almost any civil matter. With offices in Athens, Birmingham, Mobile, Foley, Fairhope, and in Jackson, Mississippi, we are well situated among the Southeast's major law firms to provide legal direction to clients throughout Alabama and Mississippi.

It is my municipal work, of course, that has allowed me to serve as Tarrant City Prosecutor. Although there are several non-trial dockets every month, we have only one trial docket, which is usually held on the last Friday of the month. It can have as many as 190 or so cases on the docket for that one day. The Municipal Court has jurisdiction to hear misdemeanors and City ordinance violations. The great volume of our cases is traffic tickets of one form or another.

Typically, we will have about three DUIs on our trial docket each month. Last week, we had twelve DUIs. So, for my public service announcement, please let me remind everyone to drink responsibly. It is my policy as Prosecutor not to recommend deferred prosecution for DUIs. Defendants may not like it, but I can live with that. What I could not live with is if I

failed to get a conviction for a DUI and that defendant later hurt someone while they had been intoxicated behind the wheel. It is a tougher policy than you will find in most other jurisdictions, but it's one that lets me sleep at night. Under state law, for a first DUI, the minimum fine is \$600.00, and can range up to \$2,100.00. Court costs are \$476, and the defendant's license will be automatically suspended for ninety days. The offender can also face up to a year in jail. For a second DUI, the sentence must include a mandatory sentence, which is not subject to suspension or probation, of imprisonment in the county or municipal jail for not less than five days or community service for not less than 30 days. The maximum fine increases to \$5,100, the court costs increase to \$726.00, and the defendant's license is suspended for 1 year. I won't keep going with the penalties for more DUIs, but we'll just say things don't get any easier for the defendant.

I think the most serious cases that we deal with are domestic violence assaults and harassment. We take those cases very seriously. Where appropriate, we try to do everything that we can to get those involved the help that they need.

I suppose my other public service announcement would be to get your grass and weeds cut. Summer is approaching quickly, and the number of grass and weeds violations that we have in the City is skyrocketing. In recent history, we have tried to handle those violations through the City Council, but there are just too many lots in violation to keep doing that very effectively. So, I expect that we will begin prosecuting those cases in court again.

The cases that come through our Court range from the comic to the tragic. Where else would I have heard about a woman who held up her next door neighbor's yard man with a bow and arrow because she believed he had mowed over the property line? Just last week, I heard the most incredible defense to speeding that may have ever been made when it was claimed that a

man could not have been speeding because the officer had noted that he was driving in a reclined position. What's worst of all, that defense was offered by a lawyer! Needless to say, the man paid the speeding ticket.

If there are any questions, I would be happy to take them now.

It has been my great pleasure to speak to you today, and I hope that sometime you will have me back again.