

OTHER OPINIONS

Former small-town boy takes on big city firms

A recent article by Matt Fleischer-Black published in "The American Lawyer" titled, "Main Street Muscle", begins by declaring, (quote) "Alabama lawyer Joe Whatley Jr., may be a small-town guy, but he has big ambitions in a battle with health insurance giants." The author begins his article by declaring, (quote) "Class action lawyer, Joe Whatley, files big suits against global corporations for small business owners".

Yes, this is the same Joe Whatley who is the son of Jean Whatley and the late Joe Whatley, a local banker. Most will fondly remember him by his boyhood nickname, "Jo-Jo". Joe was born in a hospital in Selma on June 14, 1953, but spent his entire youth in Monroeville where he attended the public schools and the First United Methodist Church.

While enrolled at Monroe County High School, Joe was a stellar athlete earning letters in football, basketball and track. He was also active in campus activities among which were the Student Council, Kiwanis Key Club, Fellowship of Christian Athletes, Sr. Beta Club and Athletic "M" Club.

Upon graduating from Monroe County High School, he entered Harvard University, where he studied labor economics and graduated (A.B., cum laude, 1975). From there, Whatley entered and graduated from the University of Alabama School of Law (J.D., 1978).

He began his career in 1978 as a law clerk to the Honorable Frank McFadden, who was then chief United States Judge for the Northern District of Alabama, former U.S. district court judge for the Northern



HAPPENINGS IN OLD MONROEVILLE

By
George Thomas
Jones

District of Alabama. From there he moved to Birmingham where he joined an established law firm. Today, he has formed his own law firm which is known as Whatley, Drake & Kallas with offices in Birmingham, Boston and New York City.

What is most impressive to me about Whatley's law practice is that he relishes representing the "little businesses" that has been taken unfair advantage of by big corporations.

Such lawsuits have been the Class Action suit Whatley filed in behalf of cattle ranchers, who have been forced to accept the prices offered to them by the giant meat packer, Tyson Fresh Meats, Inc. For his efforts, the ranchers were awarded a \$1.28 billion jury verdict.

Another notable Class Action case won by Whatley was an \$86.1 million settlement for former clients of Jenkins & Gilchrist in *Denny v. Jenkins & Gilchrist*, litigation referring to that firm's role in structuring and marketing illegal tax shelters.

To help Main Street druggists in similar situations, he has sued the four dominant pharmacy benefit managers and won.

Perhaps his favorite is his current

representation of 950,000 physicians in a gigantic class action lawsuit against ten mega managed care companies. Due to small doctor's offices being overwhelmed with paper work and probably too perplexed to appeal, Whatley figures that they have shortchanged individual doctors out of \$10 billion since 1990. Already, billions of dollars have been collected in monetary relief and business practice changes in litigations against the managed care industry.

Thus, it is easy to see that Joe Whatley is an experienced trial lawyer and enjoys a wide-ranging national practice. Personal credentials include membership in the American Bar Assoc., member and past president (1990-91) of the Birmingham Federal Bar Assoc., and a member and past president (1990-91) of the Labor and Employment Law Section of the Alabama State Bar.

Whatley also holds current Bar memberships in the states of Texas, New York and Colorado, the Eastern District of Michigan and the North District of Illinois. He is also admitted before the United States Courts of Appeal for the Fifth, Eleventh, First, Second, Sixth and ninth Circuits and the U.S. Supreme Court.

He is also a member of the Alabama Trial Lawyers Assoc.; the American Association for Justice, and the National Association of Criminal Defense Lawyers (in 1995 he won, what was then the largest wrongful death verdict in Louisiana history in *Dunn v. Consolidated Rail Corp.*).

His latest national honor came with his induction in October 2009 as



Whatley appeared on the cover of "The American Lawyer" in 2005. Inset, Whatley was an athlete at MCHS in 1970.

a "Fellow" into the exclusive American College of Trial Lawyers.

My favorite columns have been extolling the merits of local men and women who have moved on and succeeded big time. Joe Whatley, although only 57 years of age, has more than established himself among that number.

I asked Joe if he considered it an advantage to have been raised in a small town. His reply was, "My point about growing up in a small town is that people take the time to communicate with each other. That is what you have to do in trying cases before a jury".

He also credits the timing of his

youth while experiencing the throes of forced public school integration. He cites the prominent issues but expresses the forthrightness of teachers and school administrators who made sure that the worst of the problems did not occur. In particular, he pointed to his high school principal, James Allen, and his basketball coach, Terry Wilkerson. He vividly recalls Coach Wilkerson's first address to the newly integrated basketball team. "He pulled no punches telling us that every member of the team would be treated fairly, regardless of race. That if we were going to play for him, we would have to abide strictly by this dictate."

Joe continued by saying, "As I advanced through college, law school and my career, going through desegregation helped me tremendously in addressing problems and issues that came up in legal disputes. I am certain that I could not say that if I had not grown up in Monroeville".

Joe concluded his favorable remarks by saying, "In the atmosphere of the small town, I learned to relate and communicate with all sorts of people, which is what you do when you try cases before a jury.

He closed the discourse by stating that role models play larger roles in small towns, and that for a lawyer, your reputation, credibility and integrity mean everything, and when you look up the word, "integrity" in the dictionary, instead of a definition, there should be a photo of Miss Alice Lee.

Amen, Joe. Well said.