

Billy Melton, Lawyer

BY CHARLES F. CARR

Fifteen years ago, I was practicing law in Birmingham. A trucking client asked that I defend them in Conecuh County, Alabama. I had tried a couple of non-jury cases in Evergreen, but the severity of the case demanded that I associate local counsel in Evergreen.

I never limit my search of local counsel to defense lawyers when defending a corporate client. My client deserves the best and I look only for the best lawyer in the area. After talking to several lawyer friends around the state, Billy Melton's name kept coming up. Although I knew he primarily represented injured plaintiffs, I made a call to Billy.

I had my pitch already planned before he answered the phone. "Billy, this plaintiff has somehow hired a lawyer down in Mobile," I said. "You really need to consider helping me try the case and the word will get out that these people don't need to go to Mobile to find the best lawyer."

The phone was silent for a moment and then Billy responded. "You know, I think I will do it."

"Alright, my client will need to know your hourly rate," I said.

"\$50,000," he responded.

As a young litigator, I was stunned. "Billy, you know that an insurance company is not going to let me pay you a flat fee. They will require an hourly rate. I can probably get you a higher rate than they are paying me."

"Well, that's fine," he said. "It will be \$50,000 for the first hour and the rest is free."

I didn't get to hire Billy in that case and Billy didn't seem to mind. He was on the other side of me in several other cases after that. After each case, I knew that I had made the right choice in trying to hire Billy those many years before. Every case is his biggest case and his client gets his money's

worth when they hire him. And, as an extra special bonus, they will get the best dressed gentleman in Conecuh County.

After spending some time with him at his office in Evergreen, I was enjoying a few relaxing hours in his home visiting with Billy and his wife, Nancy. I couldn't resist the urge to ask Nancy the question that I would always dread if someone should ask my wife.

"Nancy, I know you love your husband, but what is that one trait of his that you would change if you could?" I asked.

She thought long and hard and I fully expected her to come back with, "Nothing...he is absolutely perfect."

Right before the statute of limitations was about to run, however, she said, "Well, perhaps if he just wasn't quite so inflexible."

What a perfect word to describe Billy Melton, yet in the kindest sort of way. Some might call him stubborn. My momma's expression of "hard-headed" would certainly come to mind. Nancy gave it the more genteel "not quite so inflexible."

Although his full name is William Dudley Melton, if you are poised to enter the front door of his office building in downtown Evergreen, just a stone's throw away from the new courthouse that is under construction, the embossed sign on the brick wall says simply "Billy Melton, Lawyer." Billy greeted me wearing a pretty coat and tie. The last time I had seen him he was also wearing a coat and tie and also wearing a silk pocket square in the coat pocket. An hour or so later I was looking through some old newspaper articles in his office and saw a 1973 picture of the deacons of the First Baptist Church of Evergreen. As I recall, only two or three of the large number of deacons photographed have on a coat. Billy is the only one with a coat, a tie and, yes, another silk pocket square in his

coat pocket.

I told Billy that I used to wear a coat and tie when I practiced law in Birmingham, but my new Mobile lawyers talked me into giving up that habit when I moved south. Billy was inflexible. "Everyone expects their lawyer to be dressed in a coat and tie," he said.

Billy is inflexible about his politics too. He is a self-described "yellow-dog Democrat." He understands that this may not be the best of times for the Democratic Party in Alabama. "Every dog has his day," Billy muses. He does slip into some nostalgic reminiscing about the "real Democrats" such as Franklin D. Roosevelt, Lister Hill, Richard Russell, Howell Heflin, etc. He searches to find someone in the other party that compares to these famous Democrats, and has difficulty calling up any names. Billy believes that if the national scene had more Republicans like Richard Shelby and Jeff Sessions, he might have a different opinion.

Billy dabbled in politics and learned quickly the dangers of the game. He was elected as a state representative at a very early age. He was one of the youngest men to ever serve in the Alabama house. However, after a short term in the Alabama State Senate, he supported the Alabama Judicial Article which would take criminal court authority away from several very powerful probate judges in his senatorial district. He was baptized early in political suicide but Nancy would have been proud of him. He was inflexible, and announced that he would not run for the senate again.

I wondered about the Melton philosophy on politics and politicians. In a nutshell, Billy concluded that politicians had a hard time telling the public bad news.

"The public doesn't want to hear bad news. Politicians often hide the bad news or 'spin' it into something that the public



Billy Melton, back row, far right, poses with family members at the wedding of his son, Richard, and daughter-in-law, Jennifer. Also pictured are, front row, left to right, grandchildren Mary Dudley Berry, Lathram Olivia Berry and Tyler Rieves Berry, V. Back row, left to right, are Tyler Rieves Berry, IV (son-in-law); Nancy Dudley Berry (daughter); Jennifer Stewart Melton (daughter-in-law); Richard P. Melton (son); and Nancy Miller Melton (wife).

Billy Melton has served as vice chairman and chairman of the Farrah Law Society and on the Law School "Campaign for Alabama" Steering Committee. He also served on the board of directors of the Alabama Law School Foundation.

Billy Melton has been "inflexible" in his belief that you must return more than you receive in the practice of law and he continues to practice those beliefs today.

Billy was born in Pine Apple, Alabama. If you "Google" Pine Apple, one is urged to click on a hyperlink to find "lodging, restaurants, etc." I couldn't resist. The hotels listed included the Holiday Inn Express in Thomasville and the Days Inn in Camden. I kept looking but found no hotel in Pine Apple. I came away from the site with the knowledge that Pine Hill is in Wilcox County and that the estimated population in 2003 was 935.

Several years ago, however, Pine Apple was the home of Billy Melton. His father was one of the first members of the Alabama Highway Patrol and ultimately a post commander for the Alabama Highway Patrol.

Billy went to public schools in Evergreen and played football at Evergreen High School. Later he was "the third-string quarterback" for the early 1960's Auburn Tigers. He was a pretty good kicker which let him get some action on the gridiron while at Auburn. One of his most loyal friends is the great Tucker Frederickson who played with Auburn and the New York Giants.

Billy is married to the former Nancy Miller. Nancy is the granddaughter of T. R. Miller of the lumber family in Brewton. Long ago I fell in love with her brother Richard's golf course, Steelwood, located just outside of Loxley, Alabama. ■

or 'spin' it into something that the public can digest," he said.

I turned the tables. "Aren't you 'spinning a story' when you represent a less than candid plaintiff?" I asked. Billy didn't hesitate. "I don't represent them if they need a 'spinner.' You see, I see them when they come into my office parking lot. I can see them through my window but they can't see me. If they put on a neck brace before they walk in, I am not the lawyer they need."

Billy Melton doesn't receive lawyer jokes very well, either. If a doctor tells him one, he immediately asks whether the doctor would like to hear some jokes about his profession.

Make no mistake about it. Billy Melton loves the law and he loves the lawyers who practice law. He has spent many years serving the First Baptist Church as deacon, Sunday school teacher, trustee and historian. He has spent just as many years serving his bar association.

As a sole practitioner whose livelihood depended upon him working his cases up, Billy has devoted untold hours serving as a bar commissioner, as a Pattern Jury Charges Committee member, as a member of the state bar Board of Disciplinary Appeals and as a judge on the Alabama Court of the Judiciary. No sole practitioner has likely given so much of himself to fellow lawyers in this state.

He has served as an editorial board member of *The Alabama Lawyer* and the *Alabama Trial Lawyers Journal*.



Charles F. Carr

Charles F. Carr was a founder of the Carr Allison firm which has offices in Alabama, Florida and Mississippi. He practiced law in Birmingham and Mobile and now is in the Carr Allison Dothan office and resides in his native city of Enterprise.

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