

## **Scott Donaldson**

1490 Northbank Parkway Ste. 264  
Tuscaloosa, AL 35406  
scottdonaldson.com  
scott@scottdonaldson.com  
(205) 860-0184

### **Current Occupation: Mediator, Arbitrator, Private Judge, Trial and Appellate Counsel** [www.scottdonaldson.com](http://www.scottdonaldson.com)

Registered arbitrator, mediator (civil and domestic relations, domestic violence certification), and private judge rosters – Alabama Supreme Court Commission on Dispute Resolution [www.alabamaadr.org](http://www.alabamaadr.org)

Arbitrator Panelist – American Arbitration Association [www.adr.org](http://www.adr.org)

Additional training in domestic relations and domestic violence mediation

Instructor for civil and domestic relations mediation roster courses approved by the Alabama Supreme Court Commission on Dispute Resolution

[www.alabamamediationtraining.com](http://www.alabamamediationtraining.com)

Instructor for continuing legal and judicial education evidence courses

[www.alabamamediationtraining.com](http://www.alabamamediationtraining.com)

### **Former Judicial Positions**

Judge, Alabama Court of Civil Appeals (statewide intermediate appellate court, <http://judicial.alabama.gov/civil.cfm>). Appointed in January 2013 and elected without opposition in November 2014 for a six-year term.

Chief Judge, Court of the Judiciary of Alabama (adjudicates disciplinary complaints filed against Alabama judges, <http://judicial.alabama.gov/appellate/judiciary>) 2008-2021. Appointed by the Supreme Court.

Specially Appointed Justice, Alabama Supreme Court – appointed by the Chief Justice to serve when needed.

Circuit Judge (general jurisdiction trial court), Sixth Judicial Circuit (Tuscaloosa County), 2003-2013. Appointed in 2003 and elected without opposition in 2004 and again in 2010. Presided over hundreds of civil and criminal non-jury and jury trials.

### **Legal Practice Experience**

Over eighteen years (1984-2003) extensive jury and non-jury trial and appellate practice. Legal counsel for hospitals and hospital medical staffs more than ten years. Arguments before the U.S. Circuit Court of Appeals for the Eleventh Circuit and all Alabama appellate courts.

### **Published writings**

Author of over 950 appellate opinions with many published in the Southern Reporter 3<sup>rd</sup> series. Author of numerous other concurring and dissenting opinions. Voted in over 5,000 appellate cases.

Author of the Alabama Trial Notebook, published by University of Alabama School of Law (clealabama.com); Evidence Rules and Trial Skills, 82 Ala. Lawyer 18 (2021); Improving Jury Service, 73 Ala. Lawyer 190 (2012), cited in 47 U.C. Davis L. Rev. 1105 (2014), 48 Ariz. St. L.J. 481 (2016), New York Practice Series – Commercial Litigation §37:3 (2019); Is it Time for the Plain English Jury Charge? 66 Ala. Lawyer 61 (2005), cited in 68 Ala. Lawyer 369 (2007); 16 Kan. J.L. & Pub. Policy (2006), 81 Notre Dame L. Rev. 449 (2006); 98 Ky. L. J. 355 (2009); The New Wigmore; A Treatise on Evidence §1.11.5 (2018); 6 Am. Jur. Trials 923; 6 Am. Jur. Trials 1043; Ex-parte Interviews with Corporate Party Employees, The Alabama Lawyer 312 (Sept 1992), cited in 64 Ala. Law. 226 (2003).

### **Teaching activities**

Faculty member for the National Judicial College teaching four-day evidence courses for trial judges and appellate judges nationwide (included in Masters of Judicial Studies curriculum).

Subjects taught: relevance; 403; character & habit; 404(b); record preservation and management; authentication; electronic evidence/social media; expert and lay opinion evidence; child witnesses; computer generated evidence; managing the trial.

Advanced Evidence – Online, October 2019

Evidence in the Courtroom Setting – August 2019, Big Sky, Montana.

Advanced Evidence – June 2019, Bar Harbor, Maine.

Advanced Evidence – October 2018, Reno, Nevada.

Advanced Evidence - March 2018, Monterrey, California.

Advanced Evidence - October 2017, Charleston, South Carolina.

Evidence in the Courtroom Setting – June 2017, New Orleans, Louisiana.

Advanced Evidence - March 2016, National Judicial College, Reno, Nevada.

Evidence in the Courtroom Setting – January 2016, Honolulu, Hawaii.

Advanced Evidence - May 2015, National Judicial College, Reno, Nevada.

Evidence in the Courtroom Setting - April 2015, Napa, California.

Advanced Evidence - August 2014, National Judicial College, Reno, Nevada.

Evidence in the Courtroom Setting - May 2013, Seattle, Washington.

Advanced Evidence - May 2012, National Judicial College, Reno, Nevada.

Advanced Evidence - October 2010, National Judicial College, Reno, Nevada.

Advanced Evidence- August 2009, National Judicial College, Reno, Nevada.

Evidence courses taught for judicial associations and other organizations:

Financial Industry Regulatory Authority (FINRA) Conference – National Judicial College Webcast July 2020

Educational conference for hearing officers

Subjects taught: application of the Federal Rules of Evidence to disciplinary proceedings including relevance and authentication

American Bar Association Tort Trial and Insurance Section – Los Angeles, California  
May 2018

Subject taught: expert evidence

U.S. Patent Trial and Appeal Board Judicial Conference – Washington, D.C.

July 2019 and October 2014

Educational conference for federal Patent Trial and Appeal Board judges

Subjects taught: expert evidence; relevance; authentication; hearsay.

North Dakota Judicial Association Conference – Grand Forks, North Dakota May 2019

and Bismark, North Dakota April 2018

Subjects taught: relevance; 403; hearsay; witness issues; authentication; electronic evidence/social media; courtroom procedures; character evidence; 404(b); impeachment; experts.

Vermont Judicial Association Conference – Vergennes, Vermont

May 2017

Vermont trial and appellate judge conference

Subjects taught: expert and lay opinion evidence

Maryland Administrative Law Judge Conference – National Judicial College webcast

February 2016

Administrative law conference

Subject taught: opinion witnesses in the administrative law setting

Oklahoma Judicial Association Conference - Oklahoma City, Oklahoma

July 2015

Oklahoma trial and appellate judges conference

Subjects taught: evidence in family law and child custody cases

Nevada Judicial Association Conference - Las Vegas, Nevada

April 2014

Nevada trial and appellate judges conference

Subjects taught: capital litigation including appointment of counsel; pre-trial motions; ex-parte motions; mental evaluations and competency; appointment of experts; self-representation.

Wyoming Judicial Association Conference - Gillette, Wyoming

September 2013

Wyoming trial and appellate judge conference

Subjects taught: social media evidence; authentication.

Colorado Judicial Association Conference - Denver, Colorado

November 2012

Colorado trial and appellate judge conference

Subjects taught: Crawford and confrontation issues; character and habit; relevance; 403.

National Judicial College webcast

May 2012  
For trial and appellate judges nationwide  
Subject taught: character and habit evidence

California OSHA Administrative Law Judges Conference - Los Angeles, California  
January 2012  
Educational conference for California OSHA administrative law judges  
Subjects taught: relevance; 403; hearsay; general evidentiary rulings on objections for administrative judges.

West Virginia Judicial Association Conference - Wheeling, West Virginia  
October 2011  
West Virginia trial and appellate judge conference  
Subject taught: expert evidence.

NJC Death Penalty Conference - Orange Beach, Alabama  
September 2008  
Primarily for Alabama trial judges  
Subject taught: capital litigation penalty phase jury instructions.

Alabama Circuit and District Judges Associations

Faculty member of the Alabama Judicial College  
(<http://www.alacourt.gov/Sections/JudicialCollege/default.aspx>)  
Evidence presentations at judicial conferences in January 2021; January 2020; January 2019; July 2018; January 2018; July 2017; January 2017; July 2016; January 2016; January 2015; January 2014; January 2013; July 2012. Numerous orientation sessions for new Alabama trial judges. Subjects taught: civil procedure; trial procedure; general evidence; expert testimony; impeachment of witnesses; hearsay; character evidence; expert and lay opinion testimony.

Alabama Probate Judges Association

Evidence presentations at judicial conferences in January 2021; September 2020; January 2020; March 2019; January 2019; June 2018; April 2018; January 2018; April 2017; January 2016; April 2016. Subjects taught: relevance; hearsay; impeachment of witnesses; general evidence and trial procedures.

University of Alabama School of Law ([www.law.ua.edu](http://www.law.ua.edu))

Adjunct faculty member (2006-present)  
Courses taught: Trial Advocacy I and II  
Attended NITA teacher training November 2007.

University of Alabama College of Commerce & Business Administration

(<http://culverhouse.ua.edu>)  
Adjunct faculty member (2009–2012)  
Course taught: Fundamentals of Business Law for undergraduates.

University of Alabama College of Nursing

Collaboration with nursing faculty in the creation of a risk management tool for nursing students for use in the curriculum.

University of Alabama College of Arts and Sciences

Served on graduate thesis review committees for Department of Psychology.

Continuing legal education speaker on various topics for numerous legal/judicial associations and groups regularly since 1988. Sponsoring organizations include CLEAlabama, Alabama State Bar (general meetings and various sections including Appellate Law, Family Law, Young Lawyers, Worker's Compensation), Mobile/Baldwin County Bar Association, Marion/Winston County Bar Associations, Monroe/Conecuh County Bar Associations, Tallapoosa County Bar Association; Alabama Criminal Defense Lawyers Association; Inns of Court; etc.

**Education**

J.D. *cum laude* (top 10%) and member of Curia Honoris honor society, Cumberland School of Law 1984; B.S. in Commerce & Business Administration, University of Alabama 1981.

**Commissions/Committees/Other activities**

Fellow, Alabama Law Foundation (membership is limited to one percent of state Bar membership), Secretary, and member of the Board of Directors; Leadership Alabama graduate; Commissioner from Alabama on the National Uniform Law Commission ([www.uniformlawcommission.com](http://www.uniformlawcommission.com) 2011-2019); Member of Drafting Committee to Revise or Amend the Uniform Guardianship and Protective Proceedings Act (2014-2017); Elected to Alabama State Bar Commission (governing body of State Bar, 1998-judicial appointment in 2003); Elected by State Bar Commission to the Disciplinary Commission (four person commission overseeing attorney discipline) after serving on a Disciplinary Board (five member trial panel for attorney discipline) until judicial appointment. Current or former member of numerous other judicial and legal committees including but not limited to Rules of Appellate Procedure, Alternative Dispute Resolution, Criminal Pattern Jury Instructions, Civil Pattern Jury Instructions Committee, and Circuit Judges Association Executive committees; Vice-chair of legislatively created Business and Complex Litigation Study Committee; Chair of Alabama Judicial Article Study Committee; Chair of Task Force on Privacy/Confidentiality in Court Records; Past President of the city-wide PTA council and other PTAs within a public school system; Chaired a Zoning Board of Adjustment for one city and served on Planning and Zoning Commission for another city; Board service on numerous charitable organizations; Frequent speaker at civic clubs statewide on law related topics; Completed 40 hour mediation training and 12 hour Domestic Violence mediation training.