



R. Ashby Pate

Partner

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Ashby Pate is a trial lawyer with unique courtroom experience and a history of handling controversial matters.

Ashby may have one of the most interesting **resumes** of any Alabama lawyer.

A former justice on the Supreme Court of the island nation of Palau, Ashby presided over hundreds of cases as a trial and appellate judge there — and he helped create that country’s first-ever jury trial system. He also served as a judicial clerk for U.S. District Court Judge U.W. Clemon, one of Alabama’s civil rights pioneers. He was the editor-in-chief of the *Law Review* for Samford University’s Cumberland School of Law, and he later earned an LL.M. from the University of East Anglia in Norwich, England, where he graduated first in his class and was awarded the Sir Roy Goode Prize in international law. He is also one of only 50 distinguished lawyers and judges in Alabama currently serving on the American Law Institute, where he contributes to many of the restatement projects published by that prestigious organization. Ashby draws on all of this unique experience in his general commercial defense practice, which focuses on international disputes, appellate work, pharmaceutical and medical device litigation, and product liability.

A true advocate at heart, Ashby is frequently involved in some of the firm’s most important — and sometimes controversial — matters. For example, he was appointed co-prosecutor in the widely publicized judicial ethics trial of Alabama’s “Ten Commandments” judge, Chief Justice Roy Moore. Ashby delivered closing arguments in the trial, arguing that an Administrative Order issued by the Chief Justice constituted defiance of the U.S. Supreme Court’s same-sex marriage decision in *Obergefell v. Hodges*. In a unanimous verdict, the Alabama Court of the Judiciary suspended the chief justice from office for the remainder of his elected term, without pay.

Ashby is also a sought-after public speaker. A recent speech of his, “Be

PRACTICE AREAS

Appellate
Arbitration & Mediation Services
Class Actions
International Disputes
Life Sciences
Municipal Litigation

EDUCATION

Norwich Law School (LL.M., *first in class; highest distinction*, 2010)
Samford University, Cumberland School of Law (J.D., *magna cum laude*, 2007)
University of Colorado, Boulder (B.A., *summa cum laude with highest distinction*, 2000)

BAR ADMISSIONS

Alabama (2007)
District of Columbia (2017)

the Light,” stresses the importance of human connection in the practice of law and has resulted in Ashby being invited to speak to organizations throughout the country. He has delivered a keynote address, alongside U.S. Supreme Court Justice Anthony Kennedy, to the U.S. Court of Appeals for the 9th Circuit, given presentations to the American College of Trial Lawyers’ Annual Meeting in Hawaii and the Defense Research Institute’s Annual Meeting in San Francisco. He has also spoken to numerous other legal and judicial organizations in Alabama, Wyoming, South Carolina, Pennsylvania, Louisiana, Tennessee and many more.

Prior to law school, he toured across the Southeastern United States in two different bands, releasing **two albums of original music**. Ashby is also the author of a children’s book about Palau, titled *Sweet Dreams Palau*, published by the Etpison Museum.

EXPERIENCE

- Serving as co-prosecutor in the judicial ethics trial of former Alabama Supreme Court Chief Justice Roy Moore. R. Ashby Pate delivered the closing arguments. A unanimous verdict from the Alabama Court of the Judiciary suspended Moore from office for the remainder of his elected term, without pay.
- Serving as first-chair representing a former prisoner at a maximum security prison in Alabama in a federal civil rights jury trial. After a four-day jury trial, the jury awarded compensatory and punitive damages to Lightfoot’s client, finding the prison guard liable for assault and battery.
- Appointing the deputy attorney general to defend former Alabama superintendent of education in a lawsuit filed by a former state superintendent candidate and current Jefferson County Schools superintendent. Obtained 12(b)(6) dismissal on behalf of Lightfoot’s client on sovereign immunity grounds.
- Serving as first-chair in an international property dispute trial. After a five-day bench trial, the court found in favor of our client on all six causes of action.
- Serving as second-chair in a worker’s compensation personal injury trial in Fort Payne, Alabama. After a two-day jury trial, the jury awarded compensatory damages to our client.
- Serving as second-chair in a 24 million-euro international software arbitration for a Fortune 100 client at the Vienna International Arbitration Centre.
- Drafting a successful brief opposing class certification for a Fortune 100 client in consolidated medical device class action in Louisiana.
- Obtaining a dismissal in the U.S. District Court for the Northern District of Alabama against a worldwide German furniture distributor for a U.S. furniture manufacturer.

JUDICIAL CLERKSHIPS

Judge U. W. Clemon, U.S. District Court for the Northern District of Alabama

Chief Justice Arthur Ngiraklsong, Supreme Court of Palau

PRESENTATIONS AND PUBLICATIONS

Presenter, "The Art of the Story: How good storytelling makes great legal advocacy," South Carolina Bar Annual Meeting (2020)

Presenter, "Anti-Trust Update," Alabama Association of Regulatory Boards Annual Leadership Conference (2019)

Co-Author, "Is There an Arbitration Agreement with an Enforceable Class Action Waiver?" Top 10 Q&A for Product Liability Class Actions (2019)

Presenter, "Be the Light," American College of Trial Lawyers (2016)

Quoted, "The Clear Opener: How to avoid mucking up the most crucial part of discourse" by Bryan A. Garner, *The American Bar Association Journal* (Aug. 15, 2014)

Presenter, "The Big Wet Now: Observations for Young Internationalists," The Dean Rusk Center for International Law and Policy (2013)

Author, "Blood Libel: The Conscriptation of the Law of Defamation into a Legal Jihad Against the West - and How to Stop It," *First Amendment Law Review* (Spring 2010)

Editor, *Republic of Palau Reports*, Volume XVI, 16 ROP 1 (2010)

"The Future of Harmonization: Soft Law Instruments and the Principled Advance of Lawmaking" (2009)

Constitutional Law—Public Use Clause—Use of Eminent Domain to Promote Economic Development Held Constitutional (2007)

Editor-in-Chief, *The Cumberland Law Review*, Volumes I, II, & III, 37 CUMB. L. REV. 1 (2006-07)

Jury Trial Rules for the Courts of the Republic of Palau, Promulgated by the Palau Supreme Court

AWARDS

Alabama State Bar Leadership Forum (2018)

Birmingham Business Journal, "Top 40 Under 40" (2017)

Birmingham Magazine, "Top Birmingham Attorneys" (2018)

Birmingham Magazine, "Top International Law Attorney" (2013)

Cumberland School of Law, "Alumnus of the Year" (2017)

United Nations Judicial Summit in Hong Kong, delegate (2015)