

Minor's legal woes won't end when he goes to prison

The Clarion Ledger - Jackson, Miss.

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Date: Sep 8, 2007

Start Page: A 1

Section: Main

Text Word Count: 694

Document Text

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Embarking on an 11-year federal prison sentence, trial lawyer Paul Minor is on his way to losing his license to practice and is preparing to fork over a few million dollars in fines and restitution.

But his sentencing Friday before U.S. District Judge Henry Wingate could be just the beginning of another legal battle for him from behind bars.

Minor was accused of bribing former Circuit Judge John Whitfield and former Chancery Judge Wes Teel in exchange for favorable decisions. The three were convicted earlier this year.

Their indictment was based on a handful of cases before the judges.

One of those cases involved a Maryland-based insurance company on the losing side of a \$1.5 million settlement with one of Minor's clients.

U.S. Fidelity and Guaranty Co. went up against Minor in 1998 when his client, Peoples Bank in Biloxi, sued the insurance company in Chancery Court over covering a legal defense. The case was ultimately transferred to Teel.

But when Minor was later charged with winning cases through bribes, the insurance company fought back by suing Minor, Teel and the bank. The 2003 suit has been on hold pending the outcome of sentencing in the criminal trial.

"We expect that our civil action will proceed, and we will continue to pursue claims for damages that are contained in the complaint," Steve Montagnet, one of the Jackson attorneys for USF&G, said after Friday's sentencing.

Cy Faneca, Minor's attorney in the civil case, said he would be reviewing Friday's developments to determine their bearing on the lawsuit.

Wingate granted \$1.5 million in restitution, along with interest lost, to be paid by Minor and Teel. Minor, a successful and wealthy lawyer who amassed millions over his career, also was fined \$2.75 million. The court gave Teel indigent status during the trial, and he was represented by a public defender.

All that came after Minor lost his Ocean Springs home to Hurricane Katrina and saw his wife battle cancer. Some trouble he brought on himself, including a DUI arrest which got him thrown in jail.

Friday's sentencing will now trigger a complaint from the Mississippi Bar to the state Supreme Court. The court will immediately suspend Minor and eventually disbar him. He likely will lose his license to practice forever unless his conviction is overturned on appeal.

The government deemed the case a far-reaching public corruption scandal that eroded the public's trust and confidence in Mississippi's judicial system. The case was so serious, the government said, it warranted an upward departure from the sentencing guidelines, something Wingate didn't buy.

The insurance company could now also win punitive damages against Minor on top of everything else.

"The analogy would be, if I come into your office and steal your pocketbook and later on, you sue me to get it back and I give it back to you, that doesn't mean we're even," Neil Dilloff, one of USF&G's Baltimore attorneys, said in an earlier interview. "There ought to be a punishment associated with what I did and a deterrent to others, which are the purposes for punitive damages."

Just because a defendant goes to jail, does not mean his punishment is over, said Deborah Challener, a law professor at the Mississippi College School of Law.

But just because someone is entitled to restitution, does not mean punitive damages are a given.

They are awarded, according to Black's Law Dictionary, when a defendant acts with "recklessness, malice or deceit." With punitive damages, the objective is to inflict a punishment the defendant will feel.

"So, in order to punish an individual, for example, you'd want to know - he has a million dollars in assets. If you want to hurt him, you have to make a dent in those assets," Challenger said.

One potential hitch is that, while Minor was convicted, Peoples Bank was not, and questions could arise over the extent to which the bank should be punished for Minor's actions. USF&G could argue the two worked together, and that the bank was just an agent of Minor.

An attorney for the bank would not comment Friday.

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Abstract (Document Summary)

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