

Hubbard hires a lawyer

Written by News Desk

Thursday, 26 September 2013 19:20 -



By [BOB MARTIN](#) , Publisher

Speaker of the House Mike Hubbard of Auburn has lawyered up and continues to evade questions from the media about the speculation on Capitol Hill that he is the subject of a criminal investigation in Lee County.

Hubbard has hired Mark White of Birmingham, a former president of the Stare Bar and top notch trial lawyer. White has moved quickly in an effort to keep Hubbard at an arms length from the media.

Assistant Attorney General Matt Hart, who heads the state's public corruption and white collar crime division, has convened a grand jury in Lee County and the speculation at the state capitol is that he is investigating Hubbard's activities.

White has stated he is not looking into any investigation, but instead has been retained by Hubbard to "investigate, identify and hold accountable any person or entity making false, misleading or libelous statements about Hubbard, his business or his family." He has stated that two letters have been sent to individuals "who have made false, misleading or libelous statements about Mike, his business or his family."

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It has been reported that one of the letters was sent to former lawmaker John Rice, one of the organizers of a group opposed to a proposed property tax increase in Auburn. Rice contends that Hubbard supported that tax hike in the House earlier this year and in return his radio network was given the broadcast rights for Auburn High School football games. Recently Hubbard cancelled a \$144,000 annual consulting contract his business had with the Southeast Alabama Gas District.

I have known Mark White for many years and he is a good lawyer and is probably making a good move to have Hubbard threaten those who criticize him with legal action. However, Hubbard is a public figure and on top of that, a public official and because of that it becomes more difficult for him to prevail in a lawsuit for libel and defamation.

Here's what the general law in Alabama says about the recovering of punitive damages for libel.

"Vindictive or punitive damages shall not be recovered in any action for libel on account of any publication unless (1) it shall be proved that the publication was made by the defendant with knowledge that the matter published was false, or with reckless disregard of whether it was false or not, and (2) it shall be proved that five days before the commencement of the action the plaintiff shall have made written demand upon the defendant for a public retraction of the charge or matter published; and the defendant shall have failed or refused to publish within five days, in as prominent and public a place or manner as the charge or matter published occupied, a full and fair retraction of such charge or matter."

It is very difficult for any public figure or public official to successfully prosecute a libel or slander action.

Obamacare is upon us

The sign-up for the Health Insurance Marketplace in Alabama is coming up soon. The program will provide thousands of people in our state who cannot afford health care to have it. However, here are some important parts of the plan for those who already have insurance:

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1. Your child can stay on your family health insurance plan until age 26.
2. Preventive care checkups and immunizations are free on most health plans.
3. There are no more pre-existing condition exclusions for children.
4. Your insurer must spend at least 80 percent of what you pay in premiums on your health care.
5. The Medicare donut hole for prescription drug coverage is shrinking and will be gone by 2020.

Some of the sickest senior citizens and disabled people with Medicare Part D drug plans often had thousands of dollars in extra drug expenses they had to pay because of a coverage gap called the donut hole.

The gap will disappear in 2020 under the ACA.

These protections will extend to thousands of uninsured Alabamians when the Alabama Health Insurance Marketplace opens for early enrollment on Oct. 1. At the online Marketplace, individuals and small businesses with 25 or fewer employees can compare qualified health plans offered in Alabama, sign up for coverage that begins Jan. 1 and see if they qualify for tax credits that make premiums affordable. You can learn more about Alabama's Marketplace at www.HealthCare.gov.

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