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## ASB's Long-Range Plan: Direction and Accomplishment for the Profession, Part II

In the November issue of *The Alabama Lawyer*, I highlighted many of the accomplishments under the first two goals of the Alabama State Bar's Long-Range Plan ("LRP"). As you recall, the first two goals of the LRP are:

***I. Assure the Highest Standards of Bar Admission, Professional Conduct and Professional Competence and Service.***

***II. Advance Improvements in the Administration of Justice.***

In this concluding segment, I will highlight a few of the accomplishments under the LRP's last three goals.

***III. Maintain an Effective State Bar Organization and Structure.***

***A. Rigorously preserve the role of the bar as an independent organization for maintaining professional integrity and self-regulation.***

***B. Aggressively advocate issues which promote the bar's mission statement and do so in a manner which minimizes fragmentation among its members.***

***1. Regarding political or ideological issues, the bar should take positions and/or utilize its resources only with respect to those issues which are germane to the bar's stated purposes, such as regulation of the legal profession, the improvement of the quality of legal services and of the administration of justice, and the promotion of the public's understanding of and respect for the law.***

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## **2. Monitor and, if appropriate, act on the current issues concerning the regulation of the profession which include, among others, federal efforts to regulate lawyers, multi-jurisdictional practice initiatives and pro hac vice admission rules.**

An important factor in the soundness of the bar's operation is its continued independence, particularly of the bar's governing authority, the Board of Bar Commissioners ("BBC"). The BBC's independence is due in large measure to two things: Commissioners are elected by lawyers from their circuit and the number of commissioners—72 (63 who are elected and nine at-large members selected by the commission). Although the BBC's size has helped it maintain independence, it has not limited its effectiveness. Likewise, the BBC's size has allowed commissioners to thoroughly vet issues before it in a fashion that reflects the views of virtually all Alabama lawyers.

The LRP's Mission Statement has been the pole star to guide the bar in pursuing the plan's goals. The Mission Statement reads:

### ***The Alabama State Bar is dedicated to:***

- ***Promoting the professional responsibility, competence and satisfaction of its members;***
- ***Improving the administration of justice; and***
- ***Increasing the public understanding of and respect for the law.***

With all lawyers being required to be a member of the bar, the BBC has been sensitive to this fact without taking positions on matters that are outside the bar's purview as the licensing and regulatory authority of lawyers in Alabama and its mission to serve the profession, enhance the administration of justice and promote the rule of law while attempting to address issues affecting the profession.

## **C. Maintain the financial health of the bar and its components.**

- 1. Maximize the purpose and utilization of the state bar foundation.**
- 2. Monitor income and expenses and develop new revenue sources.**

## **D. Enhance the network of local and specialty bars.**

- 1. Provide guidance and resources as deemed appropriate for the state bar.**
- 2. Offer a local bar leader conference to promote education for local volunteer leaders.**
- 3. Consider whether a network of "regional" bars would be more effective than county or single circuit bars in some areas.**

## **E. Promote an effective structure of service by Bar Commissioners.**

- 1. Consider term limits of not more than two consecutive terms, with an option to seek re-election after sitting out a term.**
- 2. Develop a template or uniform electronic report for Bar Commissioners to send to local members.**
- 3. Appropriately post minutes of the Bar Commission meetings on the bar's Web site.**

The fiscal operations of the bar are sound. The BBC and bar staff are good stewards with bar revenues and expenditures. Several factors have made fees and dues increases infrequent (five increases in 50 years). First, the number of bar staff is small relative to the many responsibilities with which the bar is charged, e.g., conducting the bar examination, administration of discipline, regulation of MCLE and operation of the Client Security Fund, as well as the many programs offered by the bar. Second, we have benefited from technology, e.g., online payment of licenses and dues, which has allowed the bar staff to operate very efficiently. Finally, thanks to the bar's forward thinking predecessors, the Alabama State Bar Foundation ("ASBF") was established to serve as the landlord of the bar. This arrangement gives the BBC flexibility to manage the premises and facilities for the ultimate benefit of the bar and its members. Despite the efficiency at which the bar currently operates, there are still additional opportunities to increase efficiency and keep staffing levels stable. Nevertheless, because the cost of operations continues to escalate each year, investigating possible non-dues sources of revenue is necessary.

The bar generally conducts more than 50 Road Shows at local bar associations throughout the state each year. A typical Road Show features bar staff members discussing different topics that qualify from one to three hours of CLE credit for local bar members. There has been very little interest exhibited by local bar members for regional groups. Consequently, there has been little impetus for creating regional bar groups. To strengthen the bar's relationship with local bars, local bar officers are invited to attend the regular BBC meetings to observe the BBC and facilitate networking with state bar leaders.

Technology saves the bar from printing and mailing agendas and accompanying written materials commissioners before each BBC meeting. The meeting materials are turned into electronic documents which commissioners can access in advance of the meeting. Similarly, the agendas for each meeting are posted on the bar's Web site as are the minutes of each meeting following their approval by the BBC. This has saved thousands of dollars on postage and printing costs, not to mention staff time.

***F. Develop training opportunities for new admittees, including review and assessment of the effectiveness of the bar's inaugural Leadership Forum initiated in 2005.***

***G. Study the opportunity for and impact of affiliate relationships with the bar.***

***H. Study the committee and section structure of the bar to ensure that the bar is best situated to meet its mission and goals, including consideration of "Rapid Response" committees to volunteer for short, intense projects.***

A special video was developed and first displayed on the bar's Web site in 2007 to acquaint new admittees with the bar's operations as well as programs and benefits. Each new admittee was sent a link to the short video presentation in order to access it. The Leadership Forum has evolved and improved in its first few years to become a model program for other bar associations across the country. Nearly three years ago, the BBC recommended two rule changes to the supreme court. These changes, adopted

by the court, are the Approved House Counsel Rule (AHCR) and admission by motion (Rule III of the Rules Governing Admission to the Alabama State Bar) for lawyers from jurisdictions who will admit Alabama lawyers on the same terms. So far, neither rule change has resulted in a flood of AHCR or Rule III applications. Both recommendations were made by task forces of limited duration that expired once the reports to the BBC were made. The bar now has fewer standing committees than in past years because of the use of task forces and ad hoc groups to study specific problems or time-restricted issues.

***IV. Serve Member Needs while Enhancing the Use of Bar Technology and Communications.***

***A. Conduct a quality-of-life survey in 2005, with special focus on student loan debt, and utilize results to be a member-driven organization.***

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***B. Promote the programs and resources of the bar by making access to resources "user-friendly" and a "first choice" for lawyers.***

- 1. Consider how a "Bar Concierge Service" might operate.***
- 2. Develop benefits programs, such as health insurance, and other programs which assist in a) professional, b) economic and c) personal development for lawyers. Customize, package and promote member benefits and services to various categories of members, such as developing "suites of benefits" targeting varied practice settings and specializations.***

The completed Quality of Life Survey provided insight to the attitudes about Alabama lawyers' career satisfaction and personal quality of life. As noted in the November article, we have had several initiatives to address some of the concerns noted in the survey, including targeted programs at the bar's annual meetings and providing all members with the online magazine, *Complete Lawyer*, which contains useful articles to help lawyers deal with career, family and health issues. A subcommittee of the bar's Quality of Life Committee has offered to counsel law students at the five in-state law schools about the tremendous burden of shouldering a large student debt upon leaving law school. The Alabama Law Foundation ("ALF") has also investigated ways to address the high student debt load through some type of loan forgiveness program.

Consistent with the LRP, the bar has increased the number of free or low-cost benefits it offers members and strengthened its member-directed programs, including the Practice Management Assistance Program (P-MAP) and Alabama Lawyers' Assistance Program (ALAP). At present, the bar provides more than 20 member benefits that are explained on the bar's Web site. These benefits provide bar members with lower cost products such as insurance or free services like CaseMaker, a Web-based legal research tool. These products and services not only can save a lawyer money but also help improve a lawyer's practice.

***C. Encourage lawyer participation in meaningful ways on committees, in sections and in other bar***

***roles, including promotion of a "menu" of opportunities for participation in the bar.***

***D. Maximize the use of technology for effective communications.***

- 1. Develop video meetings and online collaboration so that rural members can easily participate.***
- 2. Anticipate that technology and the Internet will be the communication medium of choice for members.***
- 3. Study and report how the "virtual law office" of the future operates and affects the bar.***
- 4. Position the bar to understand and anticipate technology as it affects a) the practice of law, b) member relations, services and communications and c) the public and stakeholders.***

Service on committee and task forces is important because the bar is a volunteer-driven agency. As suggested by the LRP, an effort has been made to streamline the process with an online sign-up for participation. The bar is developing an electronic archive of committee rosters to have a record of committee service and participation. Likewise, the bar is now making extensive use of telephone conferencing and has updated its video equipment to facilitate more video-conferencing for committee and task force meetings. Not surprisingly, because teleconferencing eliminates the need to travel for meetings, the level of member participation on committees and task forces has improved.

To make communication with bar members more cost effective, year before last, the BBC adopted a "blast e-mail" policy. The bar has also developed a "listserv" capability and is currently working on being able to offer sections, committees and task forces the ability to have "discussion groups." The bar will continue to emphasize [www.alabar.org](http://www.alabar.org) as the information portal for members (including the members'-only password-protected area) and an access point for public information about the legal profession in Alabama. Finally, last year the bar introduced the "I-Profile" for members. This allows them to receive communications from the bar in their

preferred format—electronically or by regular mail. Member preference will become more critical in future years as the bar continues to add publications and other communications to the I-Profile menu of options.

**E. Expand opportunities for CLE online and by dvd.**

**F. Continue partnering with allied organizations to best position the bar to serve the public and its members.**

**G. Develop a media “campaign of the year” initiative, rather than multiple messages which may drain resources and cannot be measured well for effectiveness.**

As noted in the previous article, an extensive review and revision of the MCLE Rules and Regulations are underway. The bar works closely with all CLE providers, especially our

two largest in-state not-for-profit providers, CLE Alabama (formerly ABICLE) and CICLE, who do an excellent job in providing Alabama lawyers with high quality and reasonably priced seminars and online programs.

The bar has a very good working relationship with the Commission on Access to Justice, the Chief Justice’s Commission on Dispute Resolution, the Alabama Supreme Court Commission on Dispute Resolution, the Alabama Law Institute, Alabama Appleseed, and various specialty bars in the state. Working cooperatively with each of these groups, among others, helps the bar fulfill its mission to bar members and the public alike. In addition, the bar has used its partnership with the Alabama Broadcasters Association to conduct recent media campaigns on both radio and TV stations across Alabama that are not just generic messages but are targeted to highlight bar programs, services or publications. Recent examples of these include our campaign

## NOTICE

### **Adoption of Rules 71B and 71C, Alabama Rules of Civil Procedure, and Amendment of Rule 4(a)(1) and Adoption of Rule 4(e), Alabama Rules of Appellate Procedure**

The Alabama Supreme Court has adopted Rule 71B and Rule 71C, *Alabama Rules of Civil Procedure*, and has amended Rule 4(a)(1) and adopted Rule 4(e), *Alabama Rules of Appellate Procedure*. The amendment and adoption of these rules are effective February 1, 2009. The orders adopting Rule 71B and Rule 71C and amending Rule 4(a)(1) and adopting Rule 4(e) appear in an advance sheet of *Southern Reporter* dated on or about January 1, 2009. Rule 71B, “Appeals from Arbitration Awards,” sets out the method for taking an appeal from an arbitration award and supersedes the procedure set out in *Ala. Code* 1975, § 6-6-15. Rule 71C governs the enforcement of arbitration awards. The amendment to Rule 4(a)(1) and the adoption of Rule 4(e) incorporate into the *Rules of Appellate Procedure* the method for taking an appeal from an arbitration award set out in the newly adopted Rule 71B. The text of these rules can be found at [www.judicial.state.al.us/rules.cfm](http://www.judicial.state.al.us/rules.cfm).

– Bilee Cauley, reporter of decisions, Alabama Appellate Courts

## CORRECTION:

A correction needs to be made and noted to the article “The Current Status of Judicial Accountability” by J. Douglas McElvy which appeared on pages 426-433 of the November 2008 *Alabama Lawyer*. On page 428, it should have read, “In the 26 years of the JIC’s existence prior to the 2001 amendments, thousands of inquiries were made to the JIC but only 3,939 inquiries resulted in the filing of formal complaints before the JIC. Obviously, the vast majority of inquirers did not pursue their concerns after gaining information from the JIC’s staff about judicial ethics, the JIC’s authority and the requirements for a complaint. Of the inquiries that resulted in formal complaints, only 27 complaints progressed to charges being filed with the Court of Judiciary. This represents **only .68 percent** of the formal complaints filed by the JIC before the Court of the Judiciary.” [emphasis added in correction]

# EXECUTIVE DIRECTOR'S REPORT

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on advance directives, the debate on a new constitution and the bar's cooperation with Legal Services Alabama to deal with the mortgage crisis situation in Alabama.

## V. Advance the Principles of Diversity.

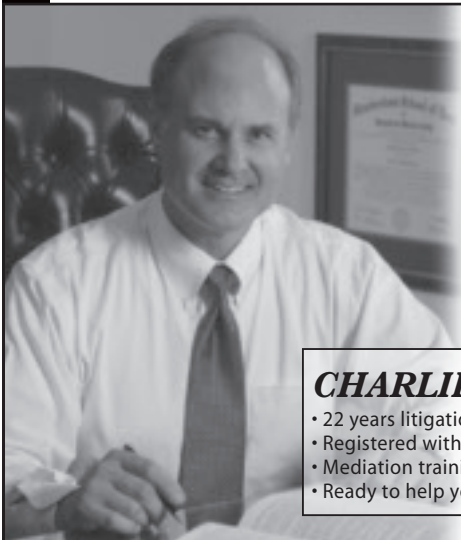
1. **Promote racial, ethnic, gender, age, and geographical diversity among all programs and components of the bar, including leadership, staffing and composition of committees, sections and local bars.**
2. **Promote continuation of diversity principles in law school admissions.**
3. **Promote opportunities for women and minorities in the legal profession.**

The BBC and bar officers have made a concerted effort to promote inclusion in all areas of bar participation and leadership. Several years ago, the BBC took the initiative, following a recommendation of the Diversity in the Profession Committee, to request that the legislature enact legislation permitting the commission to increase its gender, racial and geographic diversity by selecting at-large members. This change has increased the BBC's diversity, in particular, by adding blacks, females and younger lawyers. In addition, the BBC has made appointments to

the executive council in the last several years that have been both diverse and representative. Bar presidents have conscientiously supported diversity through committee appointments and staffing at the state bar.

For many years, the Young Lawyers' Section ("YLS") of the bar has conducted a law conference to introduce minority high school students to consider pursuing legal careers. Last summer, this program, which has been conducted by the YLS since the early 1990s, received the American Bar Association's Young Lawyers' Division Achievement Award. Our in-state law schools recognize this is one of best ways to attract more minorities to their schools by increasing the number who are interested in applying for admission. Although much progress has been made, the LRP not only acknowledges but *stresses* that the bar continue the advancement of the principles of diversity.

In conclusion, the officers and the BBC have not allowed the LRP to be become a static document. The bar's leaders have made a concerted effort to advance the LRP's five goals by the manner in which the bar's resources have been applied, how the staff has been directed and in the committee and task force charges and section initiatives. The LRP has been a useful guide that has allowed the bar and the legal profession to make significant strides since its adoption. ▲▼▲



## Client problems?...

### *Give me a call!*

Often times, difficult clients can make even the most straightforward case seem impossible to manage. Personalities come into play creating obstacles to resolution and a case that should be settled ends up on the trial docket. The right mediator can help you with your client and help you move on to a better use of your time than trying cases that should be settled.

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