



Fournier J. "Boots" Gale, III



Continuity and Commitment Keys to Success

Every year, as summer rolls around, the term of the ASB president begins winding down, coming to an end in July at the annual meeting. And, each year, the editor of *The Alabama Lawyer*, Robert Huffaker, and the soon-to-be past president take a look back at the presidential term ending, reflecting on what has been accomplished and what's in store for the future. In this interview, Robert quizzes Fournier J. "Boots" Gale, the 2006-07 president of the Alabama State Bar.

Robert Huffaker: What are the accomplishments of your administration?

Boots Gale: We have continued the efforts that earlier bar presidents spent a good bit of time on—merit selection of appellate judges. To make any meaningful impact, we had to have consistency in the effort and carry it forward over administrations. I committed to former presidents Bill Clark, Doug McElvy and Bobby Segall that I would continue their efforts. They all spent a good bit of time trying to make progress in this area and we've continued that. Retired Justice Gorman Houston has headed a task force for at least three years; I asked him to do it again and he has been a real leader.

RH: What role has Chief Justice Sue Bell Cobb played in these efforts?

BG: Chief Justice Cobb has been very cooperative and supportive. She met with our task force and discussed her ideas and plans for working together. She had a few different twists on the bill that the bar commissioners approved last year, and we're working with her. She introduced one bill in the legislature that is very consistent with our approach. It deals with merit selection for vacancies only, much like the judicial commissions currently operating in Jefferson County, Mobile, Huntsville, Tuscaloosa, and Baldwin County. Montgomery doesn't have it, but a lot of the major cities do and they operate only for vacancies. The

chief justice's bill would set this up in all judicial circuits for vacancies at the circuit and district court levels, requiring a vote of the people. A lot of voters are already familiar with the way it works, and those jurisdictions seem very happy with it. If we can get that passed we may get some momentum going for our overall efforts.

RH: If you're unsuccessful in the legislative efforts, will your successor continue to promote reform in the election process?

BG: I know that **Sam Crosby**, our president-elect, and **Mark White**, who is unopposed behind Sam, have pledged to keep working on it. It's going to take three, four years or longer. It's not something that will happen overnight. We have to keep working on it.

RH: Is the focus at the appellate court level and not the trial court level?

BG: The state bar's proposal only deals with appellate judges and pure merit selection.

RH: How are the task forces that you appointed performing?

BG: It's amazing to me how many lawyers in our state are willing to give of their time. The ASB staff calculated the time spent by lawyers in volunteer activities and it's estimated at over 10,000 hours. In January, we instituted our pilot mentoring program. **Pam Bucy**, of the University of Alabama School of Law,

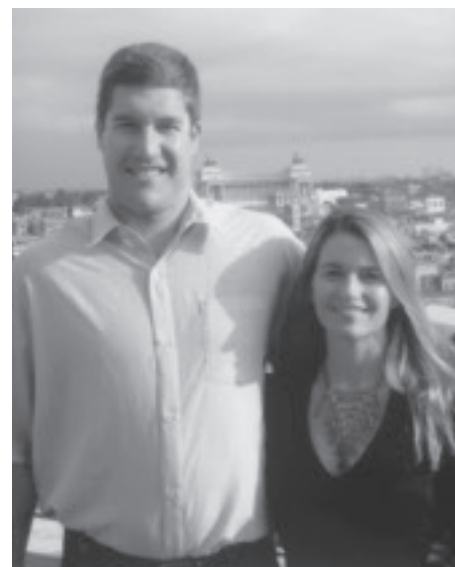


Pictured left to right, during a recent family trip, are Adam Saphier, Jenny (Gale) Saphier, Boots, Louise, Cy (Gale) Partridge, and Shepard Partridge.

and **Ted Hosp** of Birmingham led that effort. We had over 300 lawyers apply for 70 mentoring positions, winding up with a great mix from around the state. After this year we'll step back and determine what worked best. Another group that's been working very hard deals with quality of life. **Brannon Buck** of Birmingham and **Judge Tommy Bryan** are co-chairs of this committee. They have a proposal on a secure leave policy for attorneys, designating a two-week period to be blocked out for vacation. This would go through the unified court system, put it in the computer and that would be your secured leave. Frankly, I didn't think it would have much of a chance of being accepted but the judges liked it.

RH: Would that apply statewide or on a circuit-by-circuit basis?

BG: It would apply statewide. But it's going to take some work if it's implemented. The committee interviewed a number of judges and they're going to speak to the circuit court judges meeting



Adam and Jenny Saphier

this summer to present it in some detail. So far the judges seem very favorable toward it. There could be some abuse—you could have people try to delay hearings or trials—but the courts could control that. It's worked in other states. It is

really an aspect of the quality of life especially for young lawyers. They want to try to block out some time with their families. I'm also proud of the Judicial Scholarship Program. Our court system did not have the funds available to send circuit court judges for regular judicial education programs. **Stan Cash, Jere Beasley, Sam Franklin, Tom Warburton, and Teresa Minor** have been the primary leaders of this effort. To date, lawyers have contributed over \$100,000 to fund these judicial scholarships.

RH: There was a recent report advocating legal reform which ranks the ASB's disciplinary program as 47th among the 50 states. Are you familiar with this?

BG: I saw a summary of the report last week released by a group called HALT. I was very surprised and I disagree with those comments. I think this organization has some outdated or inaccurate data on our program. For example, this group claims that we "investigate" only one out of every five complaints, which is inaccurate. There are other misunderstandings of our programs. The highest grade given to any state was a B- and we were given a D+ along with 14 other states. We have one of the best operations in the country; **Tony McLain** and his staff do a great job as do our disciplinary panels. It's a tough job. It's not easy and you won't please everyone.

RH: This group criticized our lack of transparency. Do you think that the public is served by not being able to see our disciplinary process at work?

BG: There are some obvious confidentiality issues involved. Some complaints



Louise and Boots celebrate another happy New Year!

end up as private reprimands that receive no publicity and many are found without merit. But when a matter is serious enough to receive a public reprimand, suspension or disbarment they certainly are not hidden and are published in the press along with other public notices. We have a lay member on each disciplinary panel. It is a great program that serves the public as well as our bar.

RH: What has surprised you the most serving as ASB president?

BG: I've heard it for years, what a great staff we have, and you think, that's nice of people to say. But, that's been the most surprising thing to me—the high, high level of professionalism and dedication in this staff. At our last commissioners' meeting, staff members who had been with the bar for over ten years were recognized and it was over half of our total employees. That's a real testament to the organization that we have. People work here, they stay here, they do it right and they develop expertise. When you go to national bar meetings you see how well regarded our staff is. I have a real sense of admiration for them and that certainly has been one of the most pleasant parts of my tenure. They really are dedicated. We have a new head of communications this year, **Brad Carr**, who is fantastic. He brought with him many years of experience in other state bars, as well as the ABA, and has done a great job. I just can't be complimentary enough of all of the state bar staff.

RH: Are younger members of the ASB adequately served by the state bar and are minorities participating enough in it? What are the challenges in serving these segments?



"Red-legged" partridge shoot – Spain, January 2007 (Boots is fourth from the left.)

BG: All of this will require continued effort. Our at-large commission positions help us involve minority members and young lawyers. Also, the annual meeting planning effort normally is something that the president and **Ed Patterson** handle. But, I wanted input from younger members so we put together an informal committee, with **Buddy Smith** from Birmingham heading it up. He's working to make the convention more appealing to young lawyers and to more families. When we started practicing we didn't have all the specialty groups that now meet separately. For instance, several hundred attorneys attend the Environmental Law Section's annual meeting. We also have the Family Law Section, and their program "Divorce on the Beach," which is a great program and well attended. The Trial Lawyers Association and the Defense Lawyers have separate meetings. We're

trying to make the ASB Annual Meeting the centerpiece.

RH: What can the attendees expect at this year's convention?

BG: Activities are more affordable and family-friendly. There will be a fireworks display at the Thursday night reception. And, our substantive programs will be good. We've been lucky enough to convince your classmate, **Dean Charles Gamble**, to come back and speak at the Bench and Bar Luncheon—he's the highlight of any meeting he attends. Chief Justice Cobb will make her first state of the judiciary speech Saturday morning. We've got a good panel of state and federal judges, with **Dean John Carroll** to moderate that panel. And, we have some important awards to bestow but I don't want to give away secrets.

President's Page

Continued from page 263

RH: What lies ahead for Boots Gale?

BG: I hope to remain active in every way possible. Our profession is a unique calling and we are fortunate to be part of it. I've been amazed at the level of commitment of the Board of Bar Commissioners. I was on the board a long time ago as a young lawyer, and the board was much smaller

then. Even as large as it is now, I'm amazed at the dedication of our commissioners. They study the matters that come before us, they work hard on a number of projects and they come together and function very well. That's been one of the real highlights. I just got back from a breakfast this morning that the Alabama Trial Lawyers Association asked the state bar to jointly

sponsor for Law Day. I joked with Sam Crosby, who was there, and told him that if he's not careful I'm going to give him this gavel in advance of the annual meeting. This position has taken a lot of time, but I've enjoyed it. It's been a real highlight of my career. It's great to serve with so many people who are working hard to keep our bar where it is. ■

*Boots with his grandchildren
Right: Playing poker with Houston
Below: Newest granddaughter Ava, born April 2007
Bottom right: Ava's big sister Taylor
Bottom center: Houston and Steele*

