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Speaking Truth to Power and Eliminating Kudzu in Our Profession's Garden

Speaking Truth to Power

On July 13, 2006, at the Alabama State Bar annual meeting, Dean Charles Gamble gave an inspirational speech entitled *Speaking Truth to Power*. He exhorted each of us as Alabama lawyers to engage in a process called Parrhesia established in 400 BC in the constitution of Athens, Greece.



Gamble

One element of Parrhesia, or speaking the truth to power, meant that the "speaker had a moral obligation" to publicly speak truth to others "instead of promoting his own self-interest through falsehood or silence."

I concur with Dean Gamble, and ABA President-Elect Tommy Wells, that we have an obligation to "exercise Parrhesia in speaking truth, rather than remaining silent," when, in Dean Gamble's words, "statements are being made and conceptions are being formed about the courts, lawyers and the legal system that are not true."

If we do not speak, no one else will when false attacks occur.

Like Bar Commissioner Tut Wynne and many of you, I am a musician. Several years ago Tut and I attended an organizational meeting of a group of men preparing to conduct a Kairos church retreat with inmates in Fountain prison in Atmore. Tut and I got to the meeting 30 minutes early so we could practice with the other musicians who comprised "the music team." While waiting for the other members of the music team to arrive, Tut and I came to a disturbing realization—we *were* the music team.

When it comes to speaking out against false attacks on the courts, lawyers, the judiciary, the legal system, and the Rule of Law, I hope lawyers will realize that we are the music team.

Kudzu in Our Profession's Garden

Ann and I built our first house next to a kudzu patch south of Bay Minette. We learned the hard way that too much kudzu can adversely affect its environment.

When I asked our builder, Mr. Eugene Chambless, how to control the growth of the kudzu, he grinned and said, "Crosby, the only way to control kudzu is to build a fence around it and move!"

At the February 2007 ABA Mid-Year Conference, I asked the presidents-elect from 22 states, "What is your state doing to address the issue of law student and young lawyer debt?" As I looked at the uncomfortable blank stares around the room, and no one answered the question, I thought to myself, "Maybe we are all thinking we can build a fence around this problem and pretend it's not there."

Bill Conger is a professor at Oklahoma State Law School who attended the meeting. At the meeting he passionately pointed out to all of us what a serious problem law student/young lawyer debt has become for our profession.

In 2005, a quality of life survey was taken by the Alabama State Bar. The survey reflected that 71 percent of those surveyed who had been practicing law for ten years or less agreed that "student loan debt was becoming a significant problem for beginning attorneys." Part of the 2005 Alabama State Bar long-range plan includes developing "programs for lawyer training on personal finances, law practice management and quality-of-life issues."

Keith Norman wrote an excellent article addressing the issue in Alabama in the May 2006 edition of *The Alabama*



Eugene Chambless (right) and his wife



Lawyer. In February 2006, the average debt of law students with debt taking the bar exam was \$71,000!

In addition to personal and professional issues, too much debt can also discourage young lawyers from going into public service. In 2003, the American Bar Association completed a report entitled *Law Student Debt as a Barrier to Public Service*. The report quoted a study which found that "law school debt prevent-

ed 66 percent of the student respondents from considering a public interest government job." The report further concluded that "the legal profession cannot honor its commitment to the principal of access to justice," and "significant numbers of law graduates are precluded from pursuing or remaining in public service jobs." Other findings include that "law school tuitions have skyrocketed" and that in 2002 almost 87 percent of law students borrowed to finance their legal education.

The report recommended measures to provide "more financial planning and guidance counseling to law students prior to matriculation, while enrolled and following graduation."

Now, some good news.

On June 1, 2008, Alabama will become the first state bar in the country to establish a referral program to help lawyers in their first five years of law practice with business planning and law firm management. This program will be administered by the Practice Management Assistance Program of the Alabama State Bar and should also help

young lawyers in private practice address professional and personal debt.

Through this referral program, the state bar will refer new lawyers to participating members of the Association of Legal Administrators (ALA) who will donate their time to help these new lawyers with business planning, firm management and technology issues.

A lawyer in his or her first five years of practice in Alabama may initiate a request for help in these areas by contacting Laura Calloway with the P-MAP office of the Alabama State Bar, at (800) 354-6154 or laura.calloway@alabar.org. The lawyer will be put in touch with an ALA member for law firm management assistance.

It's hopeful that this ALA referral program will be a model for other states in the country and will result in helping many new lawyers nationwide.

Additionally, on July 11, 2008, at the annual meeting in Sandestin, one of the speakers will be Howard Dayton. Mr.

Dayton has a nationally broadcast daily radio show called *Money Matters* and he will speak on financial planning for lawyers.

Thank you

I am grateful for the leadership and services of each task force and committee member including, but not limited to, all of the following: Chief Justice Sue Bell Cobb, former Chief Justice Drayton Nabers and attorneys Jim Williams, Alicia Bennett, Billy Bedsole, Alyce Spruell, Phillip McCallum, Mark White, Boots Gale, Rick Davidson, Allison Ingram, Paul DeMarco, Roger Bedford, Sandy Speakman, Patrick Finnegan, Wanda Devereaux, Scotty Colson, Harold Stephens, Douglas McElvy, Rich Raleigh, Cooper Shattuck, Joe Fawal, Chris Conti, and Tom Ryan. ▲▼▲



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