



By William N. Clark

William N. Clark, 2004-2004 Alabama State Bar President, winds up a busy year traveling the state and meeting fellow attorneys. He talks with Alabama Lawyer editor Robert Huffaker about what he's learned this past year.

A Year in Focus

"Wild-eyed radical" Bill Clark talks about everything from merit selection to indigent defense to a death penalty moratorium.



(left to right) Tim Lewis and Tommy Klinner, ASB Law Day Committee co-chairs, Gov. Bob Riley, ASB Director of Communications Susan Andres and President Clark, at the signing of the proclamation designating May 1st-May 8th for Law Day celebrations

The Alabama Lawyer: Bill, you are nearing the end of your tenure as bar president. How would you assess your presidency?

Bill Clark: My initial assessment is how rapidly a year has gone by, and my second assessment is about the quality of the state bar staff and the lawyers who serve as Bar Commissioners and on various committees and task forces. Their commitment to the bar and to the community is just outstanding.

AL: What was the theme of your administration?

BC: Fred Gray's theme was "Lawyers Render Service." One of the first things that the Board of Bar Commissioners did this year was to adopt his theme as the

motto of the Alabama State Bar. As far as I know, we are the only state bar that has a motto. I did not have a formal theme, however, since this is the 125th anniversary of the Alabama State Bar, our theme could be "Professionalism." The theme of our annual meeting this year is "125 years of Professionalism... The Journey Continues." On several occasions, I have spoken to new admittees on the importance of professionalism, as a part of the annual requirement for new lawyers.

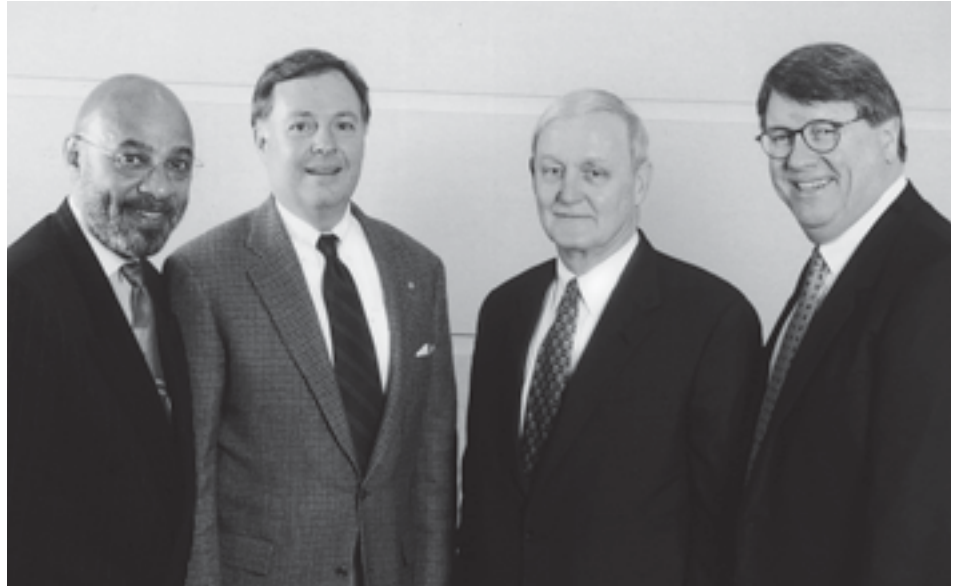
AL: What is the state of professionalism within our profession? Has it deteriorated over the years?

BC: I think the dilemma that the ASB faces is one that all professions face. Whether it's medicine or ministry or the military—the conflict is between service and money. Doctors had to confront it earlier

“Alabama lawyers have an important role in helping the public understand such a significant proposal for change of our tax laws.” On informing the public on the pros and cons of Governor Riley’s proposed tax plan. More than 10,000 brochures were distributed.

than lawyers, that conflict between being a service profession and a business. Unfortunately, it often changes the practice of law. It even happens in the ministry—at least in denominations where ministers move to bigger churches and get paid more money. Sometimes that is the criteria rather than where the ministers can best serve. I think it’s a real challenge for young lawyers in law school today who begin with huge debts. They’re faced with having to make the decision whether to follow their hearts and go to work for a public service organization, such as Legal Services or a public defender’s office where they will not make enough money to help pay that debt, or take the best paying job.

AL: Have you found that lawyers, as a whole, do give to the profession? You said that you were continuing Fred Gray’s



(left to right) Then-ABA President-Elect Dennis Archer, ASB Executive Director Keith Norman, then-ASB President-Elect Bill Clark and then-ABA President A.P. Carlton, Jr. at the Bar Leadership Institute, March 2003

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(left to right) ASB Immediate Past President Fred Gray, Fay Clark, ASB President Bill Clark and ASB Executive Director Keith Norman at the 2003 Southern Conference of Bar Presidents in San Antonio

theme of lawyers rendering services. Have you been surprised at the number of lawyers who perform public service?

BC: I wouldn't say I've been surprised; I had been aware of the many things that lawyers do. This year I have been made *more aware*. For many years, I have been a champion of the role that lawyers play in serving the community. There are more lawyers coaching their children's athletic events and serving on non-profit boards probably than in any other profession. One of the concerns that we have had as a bar is to continue this trend since young lawyers, as they come out of law school and have the challenges that they do with their families, their business and as lawyers, may not feel they have the time to provide service in the community or service to the bar. The Board of Bar Commissioners approved and adopted a proposal to establish an ASB Leadership Forum designed to educate young

lawyers, or lawyers who have not been practicing for more than ten to 15 years, about the aspects of leadership and service. The program begins next January. It will be helpful in encouraging lawyers to take an active role in the bar, as well as in their community and even in the legislature or in the judiciary.

AL: We're in the midst of the primary elections, including judicial seats. I have asked your predecessors in previous interviews what the current status is of the bar's position on judicial elections. Bring us up to date.

BC: About seven years ago, as a result of an extensive study, the ASB adopted a resolution and, in fact, endorsed a bill that would change the way judicial selection occurs in appellate races from popular election to merit selection. That bill did not pass the legislature. There has been

some interest and some discussion within the ASB leadership about the possibility of reviewing that legislation and possibly pursuing it again. Because of the process and the enormous costs involved in the elections, the attitude of some of the members of the public was that when that much money is put in, justice is for sale.

AL: One of the bills introduced this year drew some discussion and that was whether to have supreme court justices run by district. Did the ASB take a position on that?

BC: We did not. While the bill probably would have increased diversity on the court, one concern was that a justice serves the state as a whole rather than a district. It would not be the best thing to have a justice committed simply to a district, when his or her constituency is the state as a whole.

AL: Describe the current status of the disciplinary process. Does it seem to be working?

BC: It's working very well, and we have an excellent staff. Tony McLain, the general counsel, and his staff are very responsive to inquiries that lawyers make about whether something is ethical or violates the ethical standards. When complaints are made, they are extremely efficient in following up and conducting investigations. The disciplinary process is working well in meting out the appropriate discipline for a particular offense.

AL: As the ASB president, don't you have the task of actually administering the public or private reprimands to attorneys who are being disciplined?

"We want to encourage these student athletes, while in high school, to consider the importance of education in preparing for a career in the law — or in other professions." President Clark's program, "Athletes, Academics and the Law: Play It Smart!" which has been presented to more than 500 students statewide and is still going strong

“The rule of law and the allegiance to the rule of law are essential to our democratic government. ...It is our hope that however the impending legal issues may be ultimately decided, the rule of law will be followed.”

Pres. Clark’s statement on the issue of the Ten Commandments monument which was located in the Judicial Building in Montgomery

BC: I do private reprimands by letter. As for public reprimands, the individual lawyer who is being reprimanded has to come to the Board of Bar Commissioners’ meeting. He or she then stands in front of the commissioners, and I read the reprimand. That is one of the most difficult tasks that a state bar president has.

AL: Is there any common theme that you see running throughout these reprimands that would serve us well so that we don’t run into problems?

BC: Often, it is lawyers who are not responsive to the clients. They have a matter that a client inquires about—they don’t respond promptly, the matter is put on the back burner or the lawyer simply does not respond. The public reprimands

that we’re talking about are generally those that are not so much intentional conduct as much as it is negligence or just not being responsive to the client in a variety of ways. So I think the lesson for all of us is to pay attention to our business and when clients call, to respond as soon as possible. I know that’s awfully difficult if you’re busy but I think that’s something we need to be conscious of.

AL: What’s on tap for you for the next couple of months before you end your presidency?

BC: There are several things we initiated this year that we’re trying to pursue. At the beginning of my presidency we initiated a program called “Athletes, Academics and the Law: Play It Smart.” It is a pro-

gram in which lawyer athletes go into public schools and talk about the importance of academics in order to try to encourage the young people while they’re in high school to pay attention to those things that they need to go on to college not just to be athletes but to perhaps be lawyers or doctors, whatever. We’re continuing that and I very much support that program. Susan Andres, our director of communications, and Scotty Colson, chair of our Public Relations Committee, have done an outstanding job with this project.

Another project that we initiated early on was a new committee, the Community Education Committee, that I tasked to try and help fulfill that portion of the bar’s mission to educate the public—to keep the public informed about the law. That committee has been working on two projects. One was a pamphlet to educate the public

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