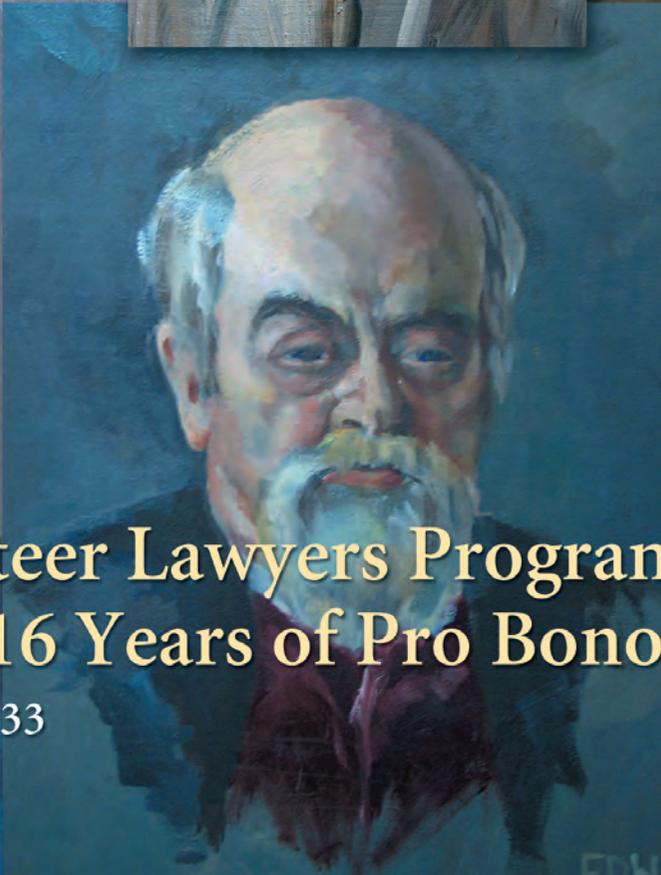
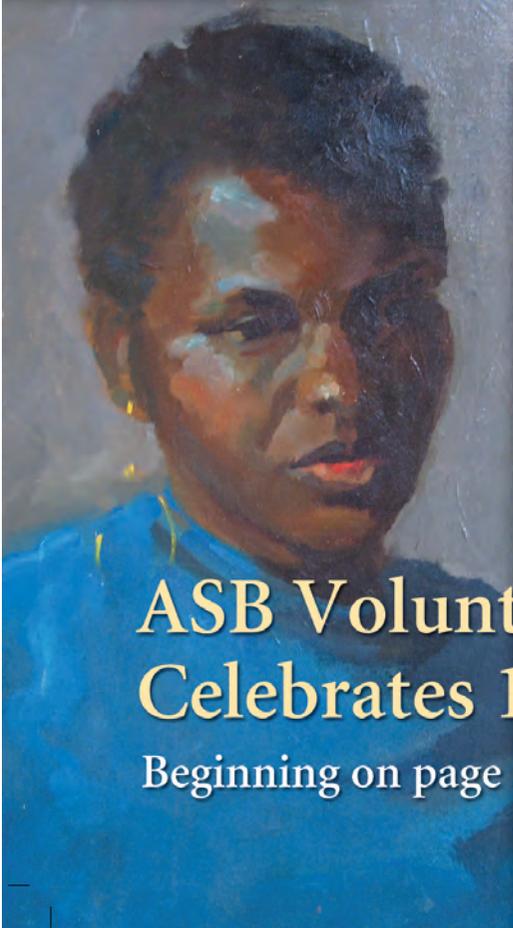


January 2007

Vol. 68, No. 1

The Alabama Lawyer



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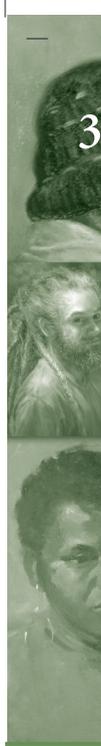
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The Alabama Lawyer

January 2007 Vol. 68, No. 1

ON THE COVER

The cover is a selection of portraits by Marguerite Edwards and her father, Chauncey B. "Chuck" Whitehead. Ms. Edwards is a nationally known portrait artist who resides in Montgomery. Ms. Edwards's son, Winston Edwards, and her daughter-in-law, Suzanne Edwards, are both members of the Alabama State Bar, practicing in Montgomery. The portraits selected are representative of a cross section of society and, as such, are representative of people assisted by the Alabama State Bar Volunteer Lawyers Program. Ms. Edwards has graciously allowed the use of her and her father's work for this cover celebrating the work of the Volunteer Lawyers Program. For more information on Marguerite Edwards and her work, contact her at (334) 277-7619.

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Fournier J. "Boots" Gale, III

Alabama Ground Zero

Alabama being described as "ground zero" is a sobering thought. What could that mean? The October 9, 2006 issue of *The National Law Journal* reported that:

In Alabama, elections are to be held for five Supreme Court seats. . . . Alabama attracts the most expensive campaigns because its judges are affiliated with political parties and have no fundraising limits.

Historically, it has been ground zero for campaign fundraising and negative TV ads in judicial campaigns.

Recently, a local radio talk show host suggested that the best way to decide how to vote in the judicial races is to look at the source of the campaign contributions for each candidate, that this will tell you how they will vote on cases. What has happened to the *perception* of fairness and impartiality in our judicial system?

During the decade ending with the 2004 elections, Alabama was first in money spent for supreme court elections. In those ten years, candidates for the Alabama Supreme Court spent \$41 million. Texas came in a distant second at \$17.5 million. With the November elections now behind us, the campaign financing numbers are in for the 2006 judicial races—and they are astounding. In our supreme court races alone, a total of \$11.5 million was raised, which again ranks Alabama number one for the most expensive judicial races in the United States. A total of \$10.6 million was spent by the candidates, of which more than half was spent by the candidates for chief justice. The day after the elections *The Birmingham News* reported that the Alabama chief justice race was the most expensive in the

nation, with Nabers raising \$4.4 million and Cobb raising \$1.9 million. In the other supreme court races, Lyn Stuart and Albert Johnson had the second most expensive judicial race in the country, raising a combined \$1.9 million, with Stuart ranking third nationally for raising \$1.8 million alone. Glenn Murdock ranked fifth in the nation for raising \$1.5 million, with his and John England Jr.'s contributions totaling \$1.8 million, making their race the fourth most expensive in the country.

A watchdog group, Justice at Stake, keeps track of campaign financing in judicial races. It observed that Alabama's judicial races have become a testing ground for multi-million dollar attack ad campaigns. Bert Brandenburg, executive director of Justice at Stake, recently stated that "[w]ith hardball TV ads flooding judicial campaigns, every state that elects judges needs to consider serious reforms to keep their courts fair and impartial." Television ads in Alabama, some of which (during the primary races) have been funded by The Alabama Taxpayers Alliance which does not have to disclose its funding sources, often deal with issues likely to come before the court. Tom Scarritt, editor of *The Birmingham News*, described the situation of political contributions in Alabama where groups invest in campaigns with the hope of influencing policy to benefit them financially. He wrote:

The most visible example of that in Alabama has been the battle between the trial lawyers and the business interests for control of the State Supreme Court. The Court decides a wide range of issues that are important to citizens. Campaign funding, though, hinges on the narrow



questions of whether the candidates are seen as friendly to plaintiffs or defendants in civil lawsuits. That makes the public very cynical about court races. It diminishes the stature of the Court. Candidates should never have agreed to play that game.

I agree with most of what Tom says, but we should not blame the candidates—it is our system that needs to change. The candidates are good, honest judges and lawyers, but are caught up in the current system. In a recent article, **Dr. David Bronner**, unquestionably one of the brightest and most able leaders in Alabama, made the following statement about our current system:

I personally believe the Alabama Supreme Court should be placed on a pedestal—beyond reproach. It must be “The Institution” that Alabama’s citizens have total confidence in for fairness and justice. The Alabama Supreme Court must simply be above politics.

Alabamians understand that elections make good people do and say almost anything to become elected. It is for this reason that most states do not elect their appellate court judges and justices. Alabamians should not want their judges and justices to receive campaign funds, as that practice only fosters the image of “politics” as usual. Maybe someday Alabama will correct that shortcoming, but perhaps not.

Alabama’s current selection system is flawed especially in the perception it gives the public. Even though we are fortunate to have excellent appellate judges—and objective ones—the public simply does not believe it. Hardly anyone believes that a judge who has received large sums of money from a special interest group will not try to please that group with his or her decisions.

Justice Sandra Day O’Connor stated it well:

“The elective system, where judges [run] . . . in partisan elections, ultimately result[s] in a lot of

fundraising. And where do you get the money? You get it from the lawyers. And what lawyers? The lawyers who are active in court. And the campaigns of people running for office tended to be ‘I’ll be tougher on criminals than my opponent.’ It [is] very unattractive. If you look broadly at the results of [this] kind of system, we [don’t] have . . . anything like as splendid a judiciary as we have . . . under a merit selection plan.”

Over the past month, leading up to the elections, I received numerous calls from lawyers and non-lawyers who want a change in our system. Perhaps these recent elections and the large sums of money spent may help us change the way we currently select our appellate judges. For the last three years the ASB has promoted the merit selection of appellate judges, with past presidents **Bill Clark** and **Bobby**

Segall working on this. We are continuing this effort. Former Supreme Court Justice **Gorman Houston** has agreed to continue to serve as chair of this task force. We will work to keep this issue in front of Alabama’s citizens and leaders.

The way we currently elect appellate judges in Alabama is bad for the judiciary and the citizens of Alabama. It is also harmful to **our profession**—it tends to divide our bar into camps and that is unacceptable. Our courts should be a place where *neutrality* and *impartiality* are valued above all, *not* extraneous matters such as partisan politics. Unfortunately, this is what we face under our current system. Alabama is one of only seven remaining states to hold partisan elections of appellate court judges. Please join us in our efforts to make that number become six and help Alabama change its reputation as “ground zero” for judicial campaigns. ■

JUDICIAL AWARD OF MERIT

The Board of Bar Commissioners of the Alabama State Bar will receive nominations for the state bar’s Judicial Award of Merit through March 15, 2007. Nominations should be prepared and mailed to:

Keith B. Norman
Secretary
Board of Bar Commissioners
P.O. Box 671
Montgomery, AL 36101-0671

The Judicial Award of Merit was established in 1987. The award is not necessarily an annual award. It must be presented to a judge who is not retired, whether state or federal court, trial or appellate, who is determined to have contributed significantly to the administration of justice in Alabama. The recipient is presented with a crystal gavel bearing the state bar seal and the year of presentation.

Nominations are considered by a three-member committee appointed by the president of the state bar which then makes a recommendation to the board of bar commissioners with respect to a nominee or whether the award should be presented in any given year.

Nominations should include a detailed biographical profile of the nominee and a narrative outlining the significant contribution(s) the nominee has made to the administration of justice. Nominations may be supported with letters of endorsement.

Executive Director's Report



Keith B. Norman

Recent Rule Changes

Over the last few months, the Alabama Supreme Court announced a number of important rule changes. All of these were the result of recommendations from ASB committees or task forces. These rules, including the Authorized House Counsel Rule highlighted in the September 2006 "Executive Director's Report," have been implemented, and each rule change is noted below. The complete text of the rules is posted on the bar's Website, www.alabar.org.

Admission without Examination

Rule III, Rules Governing Admission to the Alabama State Bar

This change allows a lawyer admitted in another jurisdiction to be admitted without taking the bar exam so long as that lawyer's home jurisdiction grants Alabama lawyers the same privilege under similar conditions. This is often referred to as a "reciprocity" rule. The specific requirements for admission are set out in Rule III. As of late November, we were aware of the following reciprocal jurisdictions: Connecticut, Kansas, Kentucky, Tennessee, and Virginia.

Multi-Jurisdictional Practice Rule

Alabama Rules of Professional Conduct

This change provides a "safe harbor" for those lawyers from other jurisdictions to perform services in Alabama that are incidental to matters that are a part of the lawyer's home practice. These services are distinguished from systematic or continuous representation of clients wholly in Alabama. Such incidental services might include taking depositions related to a case pending in another jurisdiction, interviewing witnesses, recording deeds on Alabama property, preparing estate or trust documents that include Alabama property, or obtaining document signatures or affidavits affecting transactions elsewhere.

Pro Hac Vice for Pro Bono Criminal Counsel

Rule VII, Rules Governing Admission to the Alabama State Bar

Changes to Rule VII permit out-of-state lawyers who want to represent an indigent criminal defendant *pro bono* in a capital case or post-conviction proceeding to be admitted *pro hac vice* without a fee.

There is a separate, verified application that *pro bono* counsel must complete and file with the bar. The rule change also waives for *pro bono* counsel the prohibition regarding repeated appearances.

Foreign Lawyer Admission

Rule IV.B., Rules Governing Admission to the Alabama State Bar

Under previous rules, lawyers licensed in other countries wishing to practice in Alabama were generally prohibited from taking the bar exam unless the supreme court granted them permission to take it. Under the new rule, a foreign lawyer must have obtained a law degree and been licensed to practice law in his or her home country. In addition, the foreign lawyer must meet one or more of the following requirements: The law-degree program under which the foreign lawyer obtained his or her degree must have included a substantial component of the study of English Common Law; *or* the foreign lawyer must have satisfactorily completed at least 24 semester hours of legal studies in subjects covered by the bar exam in regular law school courses; *or* the foreign lawyer must have been admitted to practice law in another state and continuously and actively practiced law there for at least three years.

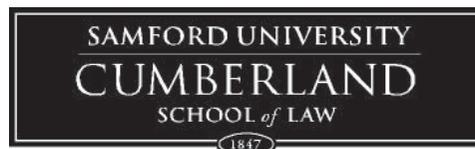
Law Student Internships

Alabama Rule for Legal Internship by Law Students

The changes to the internship rule include the elimination of the requirement that the law student attend a law school in Alabama. The changes also clarify the obligations of all parties under the rule including the law student,

the supervising lawyer and the law school.

The promulgation of these rule changes by the Alabama Supreme Court represents many months of study and consideration by ASB committees, the Board of Bar Commissioners and the court. Although they are not likely to affect the practicing bar to a large degree, nevertheless, they are important to the orderly administration of the practice of law in Alabama. ■



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Memorials

NORTON W. BROOKER, JR.

Norton W. Brooker, Jr., a distinguished member of the Mobile Bar Association, died July 2, 2006 at age 62.

Norton was born in Wilmington, North Carolina on January 10, 1944 and grew up in Montgomery, where he attended Sidney Lanier High School. He attended the University of Alabama, and the University of Alabama School of Law, graduating in 1968. In that same year he married Prather Pipes and moved to Mobile where he practiced with the firm of Lyons, Pipes & Cook for 38 years until his death.

Norton was a recognized expert in real estate and oil and gas law, and was a frequent speaker on those topics. He served on the Interstate Oil & Gas Compact Commission and participated in creating the Hatter's Pond Oil Field in Mobile County and the Big Escambia Creek Field in Escambia County. Over the last 30 years, Norton participated in some of the most important matters to appear before the Alabama Oil & Gas Board.

Norton was also an avid sailor. He was a member of the Mobile Yacht Club and

served as its commodore in 1988. In 2003, he served as commodore of the Gulf Yachting Association and also on the Board of Directors of the U.S. Sailing Association, Inc. from 2000 to 2006. In 1996, Norton worked with the U. S. Sailing Association in Savannah to organize and run the sailing events of the Atlanta Olympics. He was particularly active in local sailing activities. In 1989, he organized the Broken Triangle Regatta as a fundraiser for the American Diabetes Association of the Central Gulf Coast, Inc. for which he also served on the board of directors. The Broken Triangle Regatta was recently re-named the Norton Brooker Broken Triangle Regatta in his honor.

Norton leaves surviving him his wife of 38 years, Prather Pipes Brooker; his two sons, Stewart Jefferson Brooker, an attorney in Chicago; and William Thomas Brooker of Houston; his brother, Gene A. Brooker of Columbia, South Carolina; and several other family members.

—Ben Rowe, *president,*
Mobile Bar Association

Arrington, Leonard Quindell
Montgomery
Admitted: 1987
Died: September 7, 2006

Baker, Clyde Dilmus
Guntersville
Admitted: 1977
Died: September 4, 2006

Brooker, Norton William Jr.
Mobile
Admitted: 1968
Died: July 2, 2006

Brown, Ephraim Taylor Jr.
Birmingham
Admitted: 1944
Died: October 10, 2006

Burleson, Ira L.
Birmingham
Admitted: 1948
Died: August 13, 2006

Dickens, Shelah Monroe III
Huntsville
Admitted: 1974
Died: May 15, 2006

Dubois, Benjamin F. III
Hudson, FL
Admitted 1956
Died: August 29, 2006

Hagan, Willis Cobb Jr.
Birmingham
Admitted: 1950
Died: September 19, 2006

Halford, James Harold II
Brewton
Admitted: 1994
Died: September 14, 2006

Hoffman, Charles
Mobile
Admitted: 1930
Died: August 10, 2006

Langford, Irvin James
Mobile
Admitted: 1951
Died: August 7, 2006

Smith, Larry Edward
Jasper
Admitted: 1987
Died: September 25, 2006

Smith, Robert McDavid
Birmingham
Admitted: 1949
Died: September 11, 2006

COY M. COOPER

Coy M. Cooper, a respected member of the Birmingham Bar Association, died August 20, 2006. Mr. Cooper was born August 26, 1923. After graduating from Phillips High School, he entered the U. S. Air Force in 1942. From 1943 until the end of World War II, he piloted a B-25 in the South Pacific Theater. Returning to Birmingham after his discharge from the Air Force, he enrolled at the University of Alabama where he received his undergraduate and law degrees. He was admitted to practice in 1951 and became an associate with Cabaniss & Johnston where his father, K. E. Cooper, was a partner. In 1955, he formed the firm of Holt & Cooper with his law school classmate, J. N. Holt. He practiced continuously with this firm until his retirement in August 2005.

Mr. Cooper served in the Alabama National Guard for many years after World War II. He was president of

Carraway Methodist Health Systems, as well as its board of trustees, and was a member of its executive committee. He was also municipal court judge of Mountain Brook for many years.

Mr. Cooper was a member of the Birmingham Bar Association and the Alabama State Bar, a long-time member of the Kiwanis Club of Birmingham and a lifelong Methodist. He also served on the board of the Salvation Army where he generously contributed his time. He was a member of Kappa Alpha social fraternity.

Mr. Cooper and his wife owned a farm in Mathiston, Mississippi and a home in Tuscon, Arizona. Mr. Cooper loved the southwestern U.S. and he and his wife spent considerable time in and around Tuscon. Mr. Cooper gave to many charities and museums to preserve Indian art, prehistoric artifacts and sites.

Mr. Cooper is survived by his daughter, Tamsie Cooper, of Cortez, Colorado; sister



Elaire C. Fletcher (Gordon) of Sun City Center, Florida; brother Maru Cooper of Pelham, Alabama; and many nieces and nephews. Mr. Cooper's wife of over 63 years predeceased him, as did his son, James Kenneth Cooper, his daughter, Linda Cooper, and his brother, Canty Cooper.

IRVIN JAMES LANGFORD

Irvin James Langford, known to his friends and colleagues as "Jimmy," was born April 28, 1927, in Mobile, where he lived his entire life, and died August 2, 2006.

Jimmy graduated from Murphy High School in Mobile and attended The Citadel in Charleston for one year. At age 17, he withdrew and enlisted in the United States Navy and served honorably in World War II. Upon returning to Alabama, he completed his education at the University of Alabama, earning a law degree with high honors, including membership in the Farrah Order of Jurisprudence.

Upon completion of law school, Jimmy returned to Mobile, where he formed a partnership with Thomas A. Johnston and T.O. Howell and, thereafter, George Finkbohner and John Lawler, under the name Howell, Johnston, Langford &

Finkbohner. Jimmy practiced law with the same firm continuously until his retirement in 1992.

Jimmy was recognized by his peers in the Mobile Bar and throughout the state as having a superior analytical legal mind. His counsel and advice were frequently sought by lawyers, particularly with regard to difficult legal matters. Prior to the adoption of the *Alabama Rules of Civil Procedure*, Jimmy was an expert in pleading at common law. He handled many appeals and was an outstanding appellate lawyer. Jimmy had a justly earned reputation for extreme candidness with the judiciary and lawyers with whom he dealt. He never sought to take unfair advantage of opposing counsel.

Among Jimmy's more admirable traits was a willingness to help and counsel young lawyers, often with no fee, about

legal matters. He was never too busy to respond to questions and, indeed, even do legal research to assist a young lawyer who was struggling with a case.

Jimmy was also a man of considerable appetite and that appetite extended to the consumption of oysters. He held the record for many years for the number of oysters consumed at one sitting at Wintzell's Oyster House. His last effort ended with a record 19 dozen oysters. The stories and legends of Jimmy Langford have, and will continue to, provide lighter moments for his friends and colleagues.

Jimmy is survived by his wife, Marylyn Cleland Langford; one son, David Wesley Langford; and two daughters, Debra Langford Lewis and Kimberly Anne Langford; and five grandchildren.

—Ben Rowe, president,
Mobile Bar Association

Disciplinary Notices

ATTENTION: Please note that the *Daniel Pinson Rosser* of Birmingham, who was cited in the “Disciplinary Notices” section of the November 2006 issue of *The Alabama Lawyer* magazine, is NOT to be confused with *Charles Daniel Rosser, Jr.*, who practices law in Tusculumbia.

Disability Inactive

- The Disciplinary Board, Panel IV, of the Alabama State Bar has ordered that Birmingham attorney **Monroe Dykes Barber, Jr.** be transferred to disability inactive status pursuant to Rule 27(c), *Alabama Rules of Disciplinary Procedure*, effective October 10, 2006.

Reinstatement

- The Supreme Court of Alabama entered an order reinstating Birmingham attorney **Timothy Paul Brunson** to the practice of law in the State of Alabama effective October 18, 2006, based upon the decision of Panel III of the Disciplinary Board of the Alabama State Bar. Brunson had been on disability inactive status since July 1997. [Pet. No. 06-04]

Suspensions

- On September 13, 2006, the Supreme Court of Alabama entered an order adopting the August 16, 2006 order of the Disciplinary Board, Panel V, accepting the conditional guilty plea of Birmingham attorney **James Melvin Burns**. On March 2, 2005, Burns’s law license was summarily suspended for his failure to respond to the bar regarding disciplinary matters. Pursuant to the order, Burns’s law license is suspended for a period of 91 days effective January 1, 2007.

In ASB No. 02-26(A), Burns pled guilty to violations of rules 1.3 and 8.1(b), *Ala. R. Prof. C.* This matter involved Burns’s representation of a client in an appeal to the Alabama Court of Criminal Appeals. Burns failed or refused to file appellant’s brief after the court notified him that he had seven days to correct this deficiency or face a possible dismissal of the appeal. The appeal was dismissed due to Burns’s failure to file the brief. Burns also failed or refused to respond to the investigator from the Birmingham Bar Grievance Committee.

In ASB No. 03-249(A), Burns pled guilty plea to violations of rules 1.3 and 1.4(a), *Ala. R. Prof. C.* This matter involved Burns’s representation of a client regarding the revocation of her driver’s license. The client paid Burns \$2,200 to represent her in this matter. Upon receipt of the attorney’s fee, Burns took little or no action on behalf of his client. Burns failed or refused to respond to the investigator from the Birmingham Bar Grievance Committee. Burns will be required to make restitution to the client in the amount of \$2,200 prior to reinstatement of his law license. [ASB nos. 02-26(A) and 03-249(A)]

- On October 2, 2006, the Supreme Court of Alabama adopted the August 29, 2006 order of the Disciplinary Board, Panel

IV, of the Alabama State Bar accepting the conditional guilty plea of Gadsden attorney **John Edward Cunningham**, suspending him for 45 days, effective October 2, 2006, for violation of Rule 8.1(b), *Ala. R. Prof. C.* On April 14, 2006, a petition for a summary suspension was filed against Cunningham for his failure to respond to the complaint filed against him in ASB No. 06-068(A). The matter was set for a hearing regarding an order to show cause entered by the Disciplinary Commission of the Alabama State Bar. Thereafter, and prior to the date of the hearing, Cunningham agreed to enter his plea. [Rule 20, Pet. No. 06-35, ASB No. 06-102(A)]

- Effective September 26, 2006, attorney **Robert Lee Dyer** of Ashville was suspended from the practice of law in the State of Alabama for noncompliance with the 2005 Mandatory Continuing Legal Education requirements of the Alabama State Bar. [CLE No. 06-04]
- Bessemer attorney **LaShante Juanika Brown Jones** was interimly suspended from the practice of law in the State of Alabama pursuant to Rule 20(a), *Alabama Rules of Disciplinary Procedure*, by order of the Disciplinary Commission of the Alabama State Bar, effective October 24, 2006. The order of the Disciplinary Commission was

based on a petition filed by the Office of General Counsel evidencing that Jones had willfully neglected client matters, committed numerous trust account violations and engaged in conduct that adversely reflected on her fitness to practice law, and that such conduct was continuing and causing or likely to cause immediate and serious injury to her clients and the public. [Rule 20(a); Pet. No. 06-61]

- Effective September 26, 2006, attorney **Michael Lee Overstreet, Jr.** of Tuscaloosa was suspended from the practice of law in the State of Alabama for noncompliance with the 2005



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Disciplinary Notices

Continued from page 15

Mandatory Continuing Legal Education requirements of the Alabama State Bar. [CLE No. 06-19]

- Effective September 26, 2006, attorney **Joseph O. Reosti** of Pensacola was suspended from the practice of law in the State of Alabama for noncompliance with the 2005 Mandatory Continuing Legal Education requirements of the Alabama State Bar. [CLE No. 06-22]
- Effective September 26, 2006, attorney **George L. Simons** of Theodore was suspended from the practice of law in the State of Alabama for noncompliance with the 2005 Mandatory Continuing Legal Education requirements of the Alabama State Bar. [CLE No. 06-26]

Public Reprimands

- On October 27, 2006, Tuscaloosa attorney **Donnis Cowart** received a public reprimand without general publication for violations of rules 1.3, 8.4(a) and 8.4(g), *Ala. R. Prof. C.* In 2004, Cowart was retained to represent a client in an age discrimination action against the client's former employer. A lawsuit was filed in the United States District Court for the Northern District of Alabama on April 7, 2004. Service of process was not perfected against the defendant in the case and on October 5, 2004, the court entered an order requiring Cowart to show cause within 11 days why service had not been perfected. Cowart failed to respond to the court's show cause order and on October 20, 2004, the lawsuit was dismissed.
On November 22, 2004, Cowart filed a motion to reinstate the lawsuit, which was denied by the court's order of December 15, 2004. Cowart's client was not informed that the court had

dismissed his case until March 8, 2005, and based on Cowart's neglect in this matter, the client was unable to file a timely appeal.

Cowart waited over a month after entry of the order dismissing the case before even filing the motion to reinstate, and Cowart did not tell his client about the dismissal for almost three months. [Rules 1.3, 8.4(a) & 8.4(g), *Ala. R. Prof. C.*]

- On October 27, 2006, Mobile attorney **Willie Julius Huntley, Jr.** received a public reprimand with general publication based upon the decision of the Disciplinary Board, Panel III, finding Huntley guilty of four of the seven charges alleged by the state bar. Huntley was found guilty of violating rules 1.5(a), 1.15(a), 1.15(b) and 8.4(g), *Alabama Rules of Professional Conduct*. Both Huntley and the bar appealed. On October 12, 2005, the Disciplinary Board, Panel III, on remand from the Board of Disciplinary Appeals, entered an order clarifying the original 45-day suspension which would revert to a two-year period of probation upon Huntley's satisfaction of certain conditions. The order was amended on November 14, 2005 and referenced the length of the suspension, which was to be 45 days.

The June 9, 2003 order of the Disciplinary Board directed that effective June 15, 2003, Huntley should be suspended from the practice of law for 45 days, said suspension to revert to probation subject to Huntley's complying with certain terms. Those terms required Huntley to pay \$6,000 to the guardian of the minor heirs. Further, once a year for three years, Huntley's trust account would be audited in the format and manner approved by the Office of General Counsel, to be performed at Huntley's expense and pursuant to any guidelines or standards

recommended by the Office of General Counsel. Huntley would also adopt appropriate standards for the handling of his office trust account to include maintenance of appropriate records and a procedure to ensure that all agreements concerning fees would be in writing. Further, he was to meet with the director of the state bar's Practice Management Assistance Program. Huntley would also receive a public reprimand with general publication and would be responsible for all costs.

On January 11, 2006, the Supreme Court of Alabama entered an order suspending Huntley for 45 days effective January 11, 2006. After notification of the suspension, Huntley complied with the June 9, 2003 order. On February 7, 2006, the Supreme Court of Alabama reinstated Huntley's license to practice law.

- Birmingham attorney **Charles Salvagio** received a public reprimand with general publication on October 27, 2006 for violations of rules 3.3(a) and 8.4(a), (c), (d) and (g) of the *Alabama Rules of Professional Conduct*. Salvagio was appointed as co-counsel in a capital murder case. Although Salvagio acted as lead counsel, it was his co-counsel who had the minimum five years' experience as required by statute. At some point during the trial, Salvagio's co-counsel left the courtroom without the judge's knowledge or permission. The judge then asked Salvagio how long he had been practicing law. Salvagio represented to the judge that he had been practicing law for five years, which was untrue. The trial court eventually declared a mistrial because a portion of the trial was conducted with only Salvagio present who lacked the requisite five years' experience in the practice of law. [ASB No. 01-217(A)] ■



Guardians of Justice Campaign 2006 Birmingham Guardians

\$50,000

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Burr & Forman
Maynard, Cooper & Gale

\$35,000

Lightfoot, Franklin & White
Carr Allison
Sirote & Permutt
Starnes & Atchison

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Baker, Donelson, Bearman, Caldwell & Berkowitz
Huie, Fernambucq & Stewart

\$25,000

Pittman, Hooks, Dutton, Kirby & Hellums
Hare, Wynn, Newell & Newton
Marsh, Rickard & Bryan
Cory, Watson, Crowder & DeGaris
Whatley, Drake

\$20,000

Johnston, Barton, Proctor & Powell

\$15,000

White, Arnold, Andrews & Dowd
Lloyd, Gray & Whitehead
Energen Corporation
Compass Bank

\$10,000

Dominick, Fletcher, Yeilding, Wood & Lloyd
Cabaniss, Johnston, Gardner, Dumas & O'Neal

\$7,500

Bainbridge, Mims, Rogers & Smith
Christian & Small

\$5,000

Baxley, Dillard, Dauphin, McKnight & Barclift
Redden, Mills & Clark

\$1,500

BE&K, Inc.

\$1,000

Leitman, Siegal & Payne
Lanny Vines

The above recognizes only law firms who invested in the Birmingham Guardians of Justice Campaign. The Montgomery Guardians of Justice Campaign was recently launched, while campaigns in Mobile and Huntsville will be kicking off in the upcoming year. Watch for additional Guardians of Justice in future issues.



Anita Hamlett
MCLE director, Alabama State Bar

CLE Compliance Reporting 2007

Cheers to a new year and another chance for us to get it right.

~Oprah Winfrey



As they dismantle the Christmas tree from the marbled foyer of the state bar and unravel the faux snow-laced garland from the banisters, I am left feeling a little depressed. December has passed and I didn't get the one true thing I was begging for—literally, *no shame attached*—begging for this year. Despite all my friendly written reminders, gingerly nudging (a.k.a., “nagging”) e-mail notices, informative and entertaining articles, and darned ingenious color-coded transcripts, a few of you are still not in compliance with the CLE requirements for 2006.

Thankfully, the number of non-compliant attorneys has dwindled substantially. In fact, we had thousands (yes, thousands) less get pink forms in 2006 than we did in 2005.

So, if you received a green (compliant) or blue (exempt) form for 2006 and everything on that form is correct, you did great! Thank you and kudos for all. **DO NOT SEND BACK BLUE AND GREEN FORMS UNLESS THERE IS AN ERROR ON YOUR PERSONAL TRANSCRIPT or ADDRESS. ADDRESS CHANGES CAN BE SENT ELECTRONICALLY TO MS@ALABAR.ORG.**

If your transcript information is incorrect, submit changes by January 31, 2007. But, if you received a pink form for 2006 (oh, you know who you are, and now—thanks to the brighter-than-last-year's-pink-colored-paper—so do most of your co-workers), you must report compliance by January 31, 2007. Postmark the form by January 31, 2007. To help make this reporting as simple as possible, here are a few helpful guidelines. Guidelines can also be found at www.alabar.org/cle.

GUIDELINES FOR USING YOUR PINK FORM TO REPORT COMPLIANCE

(Remember, these guidelines would not apply to a blue or green form *unless* the information on the form is incorrect.)

CLE Activities

Printed on the form is the MCLE Commission's record of your CLE activity for 2006. CLE transcripts are updated as sponsors report attendance rosters. So, this transcript is not necessarily complete or

accurate, but should serve as a starting point for reporting 2006 compliance. You may view your updated transcript online using your ASB number and e-mail address (if registered with the Alabama State Bar). **Special Note:** If your online transcript reflects that you were compliant prior to December 31, 2006, you may print it, attach it to your signed reporting form and return it postmarked by January 31, 2007.

Additions

If you attended or taught *approved courses* not listed, you may add them. Because legibility is crucial, please make sure the additions are typed or printed clearly. *Only courses attended in 2006 may be added.*

Deletions

If you did not attend or teach the courses listed, you must delete them. (Draw or type a line through them.)

Corrections

You may have been given full credit for an event for which you registered, so that a sign-in, sign-out procedure would not be necessary. The honor system in place since 1981 continues; deduct 1.0 credit per 60 minutes of instruction as necessary.

Teaching Credit

Teaching credit is earned by teaching lawyers or law students in *approved CLE activities*. If you provided a substantial handout, you may claim 6.0 credits per 60 minutes of instruction; if the required handout was not provided, you may not claim extra credit. If you taught a law school course, you may claim 6.0 credits

per law school credit earned by students taking the course, e.g., 12.0 CLE credits for 2.0 academic credits. Repeat presentations qualify for one-half the credits earned for an initial presentation. Repeated or second-section law school courses qualify for one-half the credits earned for the initial course offering. Panel discussion time must be divided equally among the panelists for purposes of calculating credit, unless the MCLE Commission is informed otherwise.

Address Changes

If any of your personal contact information is incorrect, you may submit written changes or send changes electronically to ms@alabar.org.

Signature

Please be sure any compliance report you submit is signed in the space provided before returning it to our office. (Again, note that blue and green forms do not have to be signed and returned UNLESS they contain an error.)

Postmarked Date

All pink reporting forms should be completed and returned postmarked by January 31, 2007. If you fail to postmark by this date, please include a \$100 *late filing fee* with your returned form. The MCLE Commission will certify the list of attorneys who fail to return pink forms as soon as practical after January 31, 2007. Therefore, if you choose to file your pink form after January 31, 2007, you risk the possibility of being certified to the Disciplinary Commission for failure to report compliance for 2006.

Again, you do not need to return your green or blue form unless your form contains an error.

GUIDELINES FOR REQUESTING AN EXTENSION FOR LATE COMPLIANCE

There is no automatic “grace period” for CLE compliance in Alabama. The deficiency plan is not to be abused by any attorney and the MCLE Commission has asked that I strongly urge people to avoid requesting a plan unless the attorney has a situation that prevented him from being able to obtain CLE credit in the 365 days allowed in the calendar year. If you have frequently requested deficiency plans in the past, the commission reserves the right to deny your request.

The General Rule: You Are Not Compliant After December 31

All courses must be completed by December 31, 2006 for this year’s reporting. Under MCLE Rule 6.A, “An attorney who fails to earn 12 approved CLE credits by December 31 of a particular year will be deemed not in compliance for that year.” Therefore, as of January 1, 2007, you will officially be in a state of non-compliance if all hours have not been earned.

However, if you know you are not able to take courses to satisfy the requirement in 2006, you may file a plan for making up the deficiency under MCLE Rule 6.A by January 31.

Deficiency Plans for Non-Compliant Attorneys

In order to earn credits between January 1 and March 1, 2007 and remove yourself from non-compliance you must:

1. Select courses to attend that are already approved in the ASB CLE Course Search.
2. Submit a \$100 *late compliance fee* and a letter to the MCLE Commission postmarked by January 31, 2007 requesting permission to attend pre-approved courses (courses you selected from the listing on the bar's CLE Website). Include the dates, titles and sponsors of the approved courses that you wish to attend.

The request should be sent to:
MCLE Commission
P.O. Box 671
Montgomery, Alabama 36101-0671

3. If notified that the plan is approved, attend all courses by March 1, 2007.

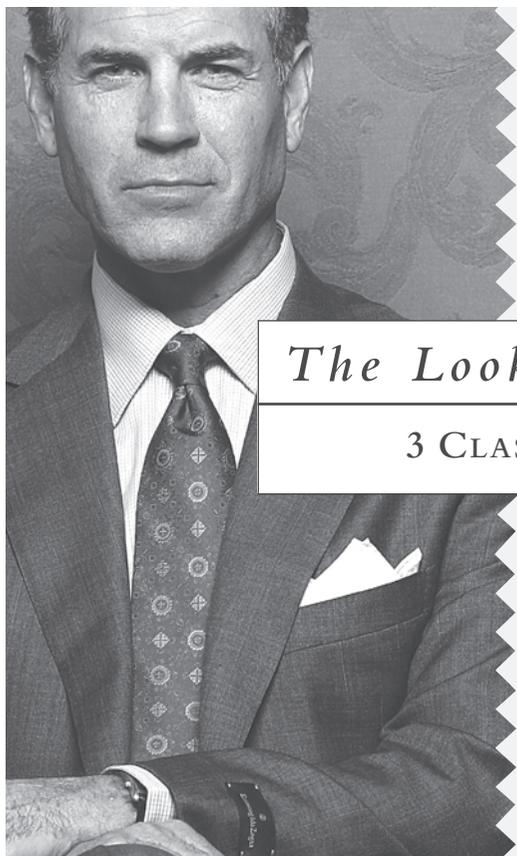
Important note: If you have experienced extraordinary circumstances beyond your control that led to your deficiency for 2006, you should contact us immediately at (334) 269-1515 to discuss your situation.

Final Note: Attorneys who do not meet the CLE requirements for 2006 may be certified to the Disciplinary Commission and will owe a penalty of \$300 in addition to any fees incurred above.

Again, all is not gloomy this year with CLE. Thanks to you and your willingness

to support our efforts to urge compliance, we have made great strides toward streamlining the reporting system for our attorneys, our MCLE Commission and our hard-working staff. If you are left with questions, please feel free to contact me or Christina Brewer or Carol Thornton. Granted, you might not catch us looking back at 2006 with a spirit of "Auld Lang Syne" this New Year, but you will find us willing to help you begin work on CLE compliance for 2007—as soon as we get all of last year's tinsel and pine needles swept away.

A very special Happy New Year to each of you from the staff at CLE! ■



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Fall 2006 Admittees



(Photograph by FOUTS COMMERCIAL PHOTOGRAPHY, Montgomery, photofouts@aol.com)

STATISTICS OF INTEREST

JULY 2006 EXAM

Number sitting for exam.....	568
Number certified to Supreme Court of Alabama.....	409
Certification rate*.....	72.0 percent
Certification Percentages	
University of Alabama School of Law	93.1 percent
Birmingham School of Law	35.4 percent
Cumberland School of Law	90.8 percent
Jones School of Law	82.2 percent
Miles College of Law	4.5 percent

*Includes only those successfully passing bar exam and MPRE

Alabama State Bar Fall 2006 Admittees

Adams, Paul Junior
Adams, III Phil Abeline
Albert, Christopher Dean
Alderman, Karyl Lea
Alexander, Laura Ghee
Allen, Jeffrey Shawn
Almeida, Debra Elliott
Anderson, Bradley Scott
Andress, Jr. Ronnie Allen
Andrews, Gail Lindley
Andrews, Haley Amanda
Angerdina, Laurie Marie
Anthony, Christine Holland
Applebaum, Virginia Teague
Arsenian, Jennifer Woods
Ashford, Emily Brown
Austin, Brigg Hails
Avant, William Cain
Avery, Abigail Hood
Avery, Christopher Jason
Averyt, David Neely
Balkcom, IV Henry Lewis
Barksdale, Jeffrey Wade
Barnes, Jessica Leah
Barnes, Noel Steven
Beckmann, Paul Thomas
Bernauer, Anne Martha
Berson, Michael Alexander
Bibee, Charles Cartwright
Biggers, Jr. Calvin David
Birchall, James Tinsley
Black, IV Charles
Black, David Edgar
Blakeney, Walter Allen
Boaz, James Daniel
Booth, Katherine Paterson
Boothe, Bart Matthew
Brackin, III Julian Byron
Bradford, Garrett Lee
Brake, Gaines Bennett
Breard, A. Kathryn
Breland, David Hobson
Brinkley, Rebecca
Brockman, James Clay
Brown, Whitney Ryan
Bruner, Nathan Harrison
Buchanan, Ryan Karim
Burchard, Brice Douglas
Burgess, James Kerry
Burgett, Jason Edward
Busey, Nancy Joana
Bushby, Jason Robert
Bynum, Emily West
Campbell, Joseph Craig

Canupp, David Jonathon
Caraway, Mark David
Carby, Edgar Hyde
Carle, Ray Anthony
Carlisle, Nicholas Alan
Carpenter, James Woodwroe
Carpenter, Kelli Marlene
Carr, Jonathan Elliott
Carter, Tonja Brooks
Carver, Carol Sue
Casey, Matthew Dillon
Chaudhuri, Michael Kumar
Chbeir, Joey A.
Cheatham, Annary Aytch
Cherry, Christian Bradley
Chrietzberg, Anna Christine
Chrisley, Amanda Leigh
Clark, Elizabeth Ann
Clements, Lindsey Wood
Coleman, George Baron
Coleman, James Parrish
Cooper, Jr. David Henry
Cope, Veronica Higgs
Corbally, Erin Kathleen Quill
Cornett, Keith Gregory
Cox, John Richard
Cox, Todd Harris
Crackel, III Edmund Albert
Creech, Archie Browne
Cregor, Matthew Marshall
Crenshaw, Stephanie Marie
Crescenzi, John Carmine
Crook, Jr. Charles McDowell
Crouch, Amy Leigh
Cunningham, John Morgan
D'Addario, Alicia Anne
Daniel, Jr. Gerald Allen
Darby, Janice Leigh
Davis, Jessica Powers
Davis, Lisa Dianne
Davis, Mark Thomas
DeLawrence, Thomas Gerald
DeMarco, Amy Elizabeth
DeMoss, Lauren Copper
Dennis, IV Daniel Asa
Devine, Dee Repici
Dietrich, Kathryn Lee
Downey, IV Bruce Johnson
Druhan, Lindsey Tomlinson
Dunn, Jr. Charles Burton
Durham, Michael Joseph
Echols, Alexis Jene'
Ekdahl, Bradley Earl
Elder, Tanya Claudette

Elliott, Robin Matthew
Ellis, January Blair
Emfinger, Alice Holbrook
Espy, William Martin
Evans, Quindal Christman
Everitt, Edward Jerome
Ezell, Aaron Nicole
Fairweather, John Zachary
Fann, Heather Rene
Ferguson, Carmen Salter
Fikes, Alisha Noel
Finley, Karlos Fitzgerald
Firth, Joshua Lee
Flanigan, Matthew Bruce
Fly, Jonathan Lee
Foreman, Roy Brian
Franklin, Patrick Wayne
Gann, Timothy Reeves
Garlington, Jeffrey Bryan
Garvich, Tenley Elizabeth
Germany, Rachel Rowen
Gerth, Jonathan Vann
Gibson, James Tobia
Gillespie, Jennifer Anne
Ginger, Sherri Rich
Gleason, Daniel Patrick
Gleason, George Christopher
Glover, Jr. Michael Jonathan
Goodman, John Mark
Goss, Robert Bruce
Granlund, Katie Lee
Granlund, Raymond Edward
Graves, Casey Collins
Graves, Clinton David
Green, Bradley Alan
Green, Matthew Clayton
Greenwood, Paul Hilliard
Gresham, Jr. Miles Edward
Griffin, Tracy Lowe
Grimes, Virginia Williams
Gullion, Andrea Marie
Hall, Jason Durwood
Hamby, Anne Tyler
Hamlin, Andrew Caleb
Hamway, Michael Donald
Harbin, Janice Charlene
Harbison, Warren Trent
Harrell, Daniel Eugene
Harrell, Margaret Ann
Harrell, III Roy Wallace
Harrelson, Benjamin Everett
Harris, II Robert Hampton
Harrison, Helen Theresa
Hart, Anna Louise

Hawk, William Lee
Hawsey, Jeremy Landon
Haywood, Tilden Jeffrey
Head, Anita Kay
Hembree, Lindsey Paige
Henderson, Luke Anthony
Hester, Lucy Ann
Hickman, Walton Ward
Hicks, John Bradford Boyd
Highley, Allison Hale
Hill, III Charles Bert
Hill, Jamie Kidd
Hill, Mary Rebecca
Hill, Jr. William Michael
Holden, Joshua Glade
Holifield, Jennifer Sue
Hooper, Lloyd Brooks
Horton, Nori Donelson
Howard, Jr. David Kirby
Howard, Douglas Lee
Hoyt, Michael Jason
Hubbard, Jr. Joseph Lister
Hugunine, Ashley Stern
Hugunine, Daniel Robert
Hume, Jr. David Robert
Hunt, Jr. Stephen Ray
Hutto, Johnny Almon
Inzer, IV James Clarence
Irwin, Christine Cherry
Jacobs, Laura Denise Figg
James, Amber Yerkey
James, Austin Eugene
Jaquibino, Joel Patrick
Jenkins, Corey Wade
Jenkins, Laura Michelle
Johnson, Derek Kendal
Johnson, Emily Adaire
Jones, Joshua Paul
Jones, Melody Rose
Joseph, IV John
Kaplan, Jarred Eric
Keat, Elizabeth Schuyler
Kelly, Jean Acevedo
Kinder, Matthew Owen
King, Brett Ashley
Kinner, Toni Renae
Kittle, Dustin John
Kudulis, Jonathan Lee
Kuffner, Christopher Stephen
Ladd, Jr. Sam Gaillard
Lam, Carolyn Ngoc
Landrum, Stephen Daniel
Lang, Leslie Hancock
Larremore, Kristen Ann

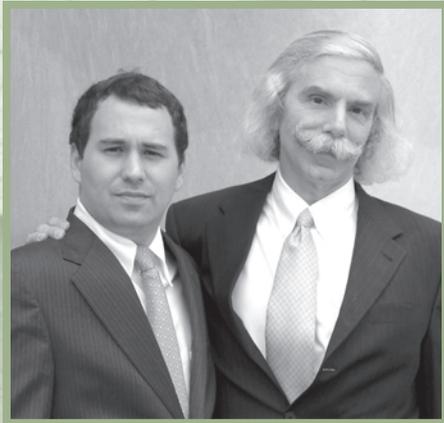
Lawler, Jr. William Philip
LeDuke, Matthew Ben
Leonardi, James Bart
Lewen, Jr. David Paul
Lewis, Bryant Leech
Lieb, Jonathan Michael
Lightel, Kristina Denise
Lightner, II Hansel Eli
Lohmann, Lars Herman
Long, Grace Murphy
Long, Jr. James Edgar
Lott, Casey Langston
Lowther, Patrick Lee
Lumbatis, Allison Yvonne Reid
Lutz, III Hirlye Ray
Maag, Gordon Esler
Maples, Marcus Monte'
Marston, Benjamin Wade
Martin, John Tally
Martin, Luke Daniel
Massey, Jr. Keith Scott
Mayo, John Dickson
McArn, Heather Dolan
McArthur, Benjamin Lee
McCarson, Emily Kaye
McClure, III Joseph Hyman
McDaniel, James Ethan
McDaniel, John Benjamin
McDonald, Tina Robin
McGriff, Don Arthur
McGuire, Kim Diane
McLean, Lolita Agnes
McPhail, David Logan
Messer, James Michael
Messervy, Christopher Morris
Miller, Amy Christin
Montgomery, Lucas Carrington
Moody, Patrick Bryan
Moon, Jr. Alvin Lee
Moon, Se Ho
Moore, Jameria Johnson
Moore, Sasha Renay
Moore, Jr. William Jeffrey
Morgan, Jr. James Harding
Moseley, James Robert
Murphy, Daniel Francis
Murray, Christopher Howell
Murray, Jennifer Moore
Musso, Rosemarie Reinhard
Neal, Allison Eichenfed
Neighbors, William Bradley
Nettles, Susan Sheffield
Newell, Martin Lane
Newman, Jr. James Blair

Nichols, Steven Hughston
Nicholson, Christopher Joseph
Nimmer, Jason Bernard
Northington, Tonita Romero
O'Connell, James Michael
Ollinger, Harry William
Oswalt, Cheryl Howell
Owens, III Thomas Louis
Owings, Thomas Gene
Paden, John David
Parian, Randall Cade
Parker, Jason Christopher
Parker, Kay Zenobia
Parker, Russell Paul
Parker, Jr. William Glenn
Parks, Melinda Janet
Parsons, Justin Wayne
Patterson, Tullie Current
Peagler, Zachary Joseph
Pearson, Thomas Benjamin
Perreault, Andrew Douglas
Phelps, III Thomas Cole
Phillips, Robert Edward
Pike, Gloris Virginia Ginger
Pinhas, Aaron Morris
Poague, Robbie Brooke Killen
Ponder, Joseph Bradley
Poore, Meshea La'Shawn
Powell, Jennifer Lynne
Powell, Taylor Clark
Preston, Roland Leroy
Price, Brandy Faught
Pugh, April Lenore
Pugh, Rebekah Helen
Radcliff, Thomas Justice
Randall, Edward Keith
Ratliff, William Acker Jackson
Rea, John William
Read, Grahame Meacham
Reeg, Seth David
Reese, David Nathan
Reese, Lindsay Snellgrove
Reiland, Stephanie Elizabeth
Rice, Alan Austin
Riddick, Donald Morford
Riddick-Seals, Ahnri Leronne
Roberts, Mark Brannon
Robinson, Jr. Cary Michael
Robinson, Jay Nicklos
Robinson, Kelli Flanders
Rollins, John Emory
Rosenberg, Robert M.
Ross, Mary Makima
Roten, Joshua Keith

Rowe, Bradley Herrington
Russell-Ogletree, Sonya Alexandrial
Ryan, Nathan Adam
Samuels, Booth Gordon
San Souci, Brian Buckley
Sanders, Kimberley Lauren
Sava, Trevor Marc
Sawyer, Adrienne Blake
Schmidt, Dorothy Hammonds
Schmidt, Erin Foster
Schmissrauter, Laura Ann
Schwartz, Karen Leslie
Scivley, Michael Thomas
Seal, James Vercell
Seawell, IV Henry Ravesies
Segall, Joshua Steven
Senter, William Drew
Sexton, Jr. Thomas Grant
Shea, Jennifer Leigh
Sherbrook, Christy Lynn
Sherod, Thomas Bruce
Singagliese, Robert Anthony
Skipworth, Troy Alan
Smith, Barry Keith
Smith, Jeremy Allen
Smith, Joy Elizabeth B.
Smyczek, Peter John
Spann, Lonnie Dwight
Sperling, Angeline Jackson
Spiegel, Charlye Ann
Sport, Jeffrey Rayborn
Sprinkle, Jennifer Caldwell
Spry, Jason Keith
Stachelski, Scott Richard
Stallings, Chadwick Loring
Stancill, Jefferson Kendall Blake
Stevens, Scott David
Stough, Patrick Adam
Strickland, Kenneth Brandon
Strong, Patrick Henry
Stuart, II Andrew Wallace
Stuck, Benjamin Jay
Stuckey, Ronni Frances
Sullivan, Kristin Waters
Swanson, Mark David
Taggart, Sarah Leopold
Taylor, Ann Todd
Taylor, Bree Anjanel
Taylor, Bryan McDaniel
Taylor, Ira Lee
Taylor, Lisa Murray
Thomas, Carla Morrison
Thomas, John Joseph
Thomaston, Marie Elaine Atkins

Thompson, Jr. Stephen Franklin
Thomson, Dennis Nathaniel
Thornbury, Jonathan Davis
Thrash, Thomas Eric
Tidwell, Daniel Brannon
Tipton, Jr. David Burch
Torgerson, Jennifer Melissa
Toxey, Eric Lane
Travis, Kelley Suzanne
Turner, Jennifer Anne
Vann, Tyler David
Vanterpool, Jonice Marie
Varnon, Jessica Suzanne
Vasile, Victor Sebastian
Vickers, Adam Vincent
Waldorf, Jon Barry
Walker, Allison
Walker, Brandon Taylor
Walker, Lonita Reshundia R.
Walters, Amy Carol
Ward, Carrie Lee
Ward, Frank Stephen
Weatherly, Julia Johnson
Weissmann, Ann Hudgins
Whitaker, Richard Davies
White, Jere Bennett
White, Tyria Done'
Whorton, William Issac
Williams, John Reed
Williams, Lindsey Renee
Williams, Sara Leigh
Williamson, Janice Amanda Abston
Willingham, Tonya Piper
Willoughby, Joseph Michael
Wilson, Clinton Lewis
Wilson, Grant Haston
Winchester, Tiffany Autumn
Winningham, III Donald Francis
Wood, Norman Staples
Woodard, Jr. Roy Michael
Wright, Fredrick Mendez
Wright, Jermane Latrono
Wright, Keely LuAnn
Wright, Richard Allen
Yancey, Neal Allen
Yonfa, James Allan
Yother, Hilary Burke
Young, Tiara Shay
Zernhelt, Robin Michelle
Zimmerman, Jennifer Nicole

Lawyers in the Family



*Joshua Segall (2006), Bobby Segall (1971)
Admittee, father*



*Bennett White (2006), Jere White (1980)
Admittee, father*



*John Reed Williams (2006),
Bryant Fleming Williams, Jr. (1974)
Admittee, father*



*Julian Byron Brackin, III (2006), Julian B. Brackin, Jr. (1976),
Ashley Brackin Bonner (2002), C. Britton Bonner (2001)
Admittee, father, sister, brother-in-law*



*J. Kerry Burgess (2006),
Tom Burgess (1980)
Admittee, father*



*Hughston Nichols (2006), Sara Katherine Nichols (2005),
Hon. Harold V. Hughston, Jr. (1981), James D. Hughston (1980)
Admittee, wife, uncle, uncle*



*Keely L. Wright (2006),
Matthew D. Wright (2004)
Admittee, husband*

Lawyers in the Family



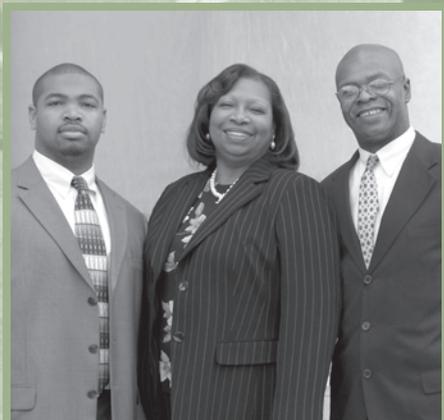
*Don A. McGriff (2006),
Kelly A. McGriff (1994)
Admittee, son*



*Gail L. Andrews (2006),
George W. Andrews, III (1971)
Admittee, husband*



*Bruce J. Downey, IV (2006),
Jennifer Ghee Downey (2003),
Bruce J. Downey, III (1972)
Admittee, wife, father*



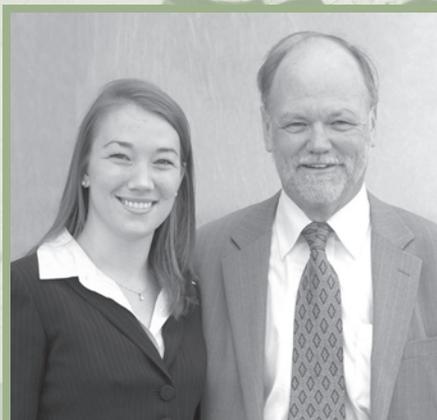
*Calvin David Biggers, Jr. (2006),
Deborah Hill Biggers (1979),
Calvin David Biggers (1979)
Admittee, mother, father*



*Rebecca Brinkley (2006), J. Allen Brinkley (1974), Charles L. Brinkley (1997),
John A. Brinkley, Jr. (2005)
Admittee, father, cousin, brother*



*David Kirby Howard, Jr. (2006),
David Kirby Howard (1974)
Admittee, father*



*Kimberley Sanders (2006),
Terry W. Sanders (1980)
Admittee, father*



*Christine Cherry Irwin (2006),
Samuel Alex Cherry Jr. (1976)
Admittee, father*

Lawyers in the Family



*Elizabeth Schuyler Keat (2006), William Martin Espy (2006),
Benjamin Joseph Espy (2001)
Admittee/Fiancé, Admittee/Fianceé, brother/brother-in-law*



*Taylor Powell (2006), Scott Powell (1978)
Admittee, father*



*Allen Blakeney (2006), J. Robert Moseley (2006), N. Bruce Moseley (1991)
Co-admittees/cousins, uncle/father*



*David Edgar Black (2006),
Douglas Marcel Black (1975)
Admittee, father*



*Amanda Chrisley (2006),
David Canupp (2006)
Co-admittees/wife and husband*



*Paul Hilliard Greenwood (2006),
P. Nicholas Greenwood (1972)
Admittee, father*



*Lindsey Tomlinson Druhan (2006),
Frank H. Tomlinson (1977)
Admittee, father*

Lawyers in the Family



*Carmen Salter Ferguson (2006),
Karen Salter (1996)
Admittee, mother*



*James Blair Newman, Jr. (2006),
James Blair Newman (1976)
Admittee, father*



*Karen Leslie Schwartz (2006),
Leonard M. Schwartz (1976)
Admittee, father*



*William J. Moore, Jr. (2006),
William J. Moore, Sr. (2001)
Admittee, father*



*Lucas C. Montgomery (2006),
James Nelms Montgomery, Jr. (1976)
Admittee, uncle*



*Carla Morrison Thomas (2006),
Bucky Thomas (2005)
Admittee, husband*



*Grant Haston Wilson (2006), Timothy H. Nunnally (1986), James C. Pennington (1990)
Admittee, uncles*



*Alan A. Rice (2006), Bert W. Rice (1974)
Admittee, father*

Lawyers in the Family



*Clinton Graves (2006),
Alex Jackson (1974)
Admittee, uncle*



*Emily West Bynum (2006),
Stanley D. Bynum (1971)
Admittee, father-in-law*



*Nancy Busey (2006), Yuell Busey (1959)
Admittee, father*



*Alisha Fikes (2006),
Holly J. Hamner (1982)
Admittee, mother*



*Adam Vincent Vickers (2006),
Richard William Vickers (1983)
Admittee, father*



*Joy Beth Barganier Smith (2006),
Jeff S. Barganier (1983)
Admittee, uncle*



*Gaines Bennett Brake (2006),
Ryan Geoffrey Brake (1998)
Admittee, brother*



*Susan Sheffield Nettles (2006), Bert Sheffield Nettles (1960), Clay Nettles (1957)
Admittee, father, uncle*

Lawyers in the Family



*Casey Graves (2006),
W. Michael Graves (1971)
Admittee, father*



*Jennifer Powell (2006),
Jerry W. Powell (1975)
Admittee, father*



*Haley Andrews (2006),
Robin Andrews (1991)
Admittee, mother*



*Walton Ward Hickman (2006), Frank A. Hickman (1976), William D. Melton (1966)
Admittee, father, great-uncle*



*Benjamin E. Harrelson (2006),
Gregory D. Harrelson (2000)
Admittee, brother*



*Cheryl Howell Oswald (2006), R. Wyatt Howell (1987),
Audrey Oswald Strawbridge (2000), Ronald H. Strawbridge, Jr. (2000)
Admittee, father, sister-in-law, brother-in-law*



*John Morgan Cunningham (2006),
John Edward Cunningham (1974)
Admittee, father*

Lawyers in the Family



*Richard Whitaker (2006),
Meade Whitaker, Jr. (1972)
Admittee, father*



*Thomas Person (2006),
Ted Pearson (1981)
Admittee, father*



*Lindsey Williams Nichols (2006),
Christopher Joseph Nicholson (2006)
Wife and husband co-admittees*



*William M. Hill, Jr. (2006),
Jamie K. Hill (2006)
Husband and wife co-admittees*



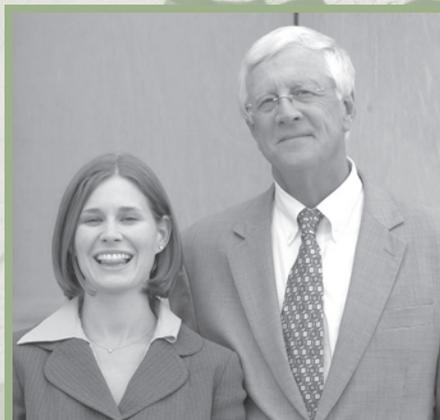
*Amy Elizabeth DeMarco (2006), John A.
DeMarco (1997), Paul J. DeMarco (1993)
Admittee, husband, brother-in-law*



*Joseph Lister Hubbard, Jr. (2006), Joseph
Lister Hubbard (1980)
Admittee, father*



*Tanya Claudette Elder (2006),
Michael Jackson Cartee (1979)
Admittee, cousin*



*Kelli Marlene Carpenter (2006),
B. Clark Carpenter, Jr. (1974)
Admittee, father*



*Stephanie M. Crenshaw (2006),
Kevin H. Crenshaw (2000)
Admittee, brother-in-law*

Lawyers in the Family



*Laura Ghee Alexander (2006), David Cal Alexander, Jr. (spring 2006), Marshall Douglas Ghee (1975), Wendy Ghee Draper (1998), Jennifer Ghee Downey (2003), Bruce J. Downey, IV (2006)
Admittee, husband, father, sister, sister, co-admittee/brother-in-law*



*John Benjamin McDaniel (2006), Henri Butler McDaniel (1977), John Mark McDaniel (1976), William Hugh Atkinson (1966), William Todd Atkinson (1989), Marcus Helstowski (2004), Joseph Thomas Conwell, Jr. (1976), Joseph Thomas Conwell, III (2001), John Garland Butler (1983)
Admittee, mother, father, cousin, cousin, brother-in-law, uncle, cousin, uncle*



*Joseph Craig Campbell, II (2006), Robert Craig Campbell, III (1967)
Admittee, father*

*To order copies of the group
or family photos, e-mail
photofouts@aol.com.*

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The National Judicial College

BY TERESA MINOR

The National Judicial College (NJC) in Reno is recognized as the premier institute for providing training to the judiciary. Unfortunately, due to the times of financial crisis in our state government, funds for judicial education have not been available, and Alabama's Administrative Office of Courts has been unable to appropriate funds to send new state court trial judges to the NJC since 1988. To address this situation, the Alabama State Bar, under the leadership of 2005-06 **President Robert D. Segall**, accepted a recommendation from the Judicial Liaison Committee (JLC) to create a judicial scholarship program for Alabama judges to attend the NJC.

The implementation of this program is now being carried out by **President Boots Gale** through the JLC. Starting this month, the ASB will begin a one-time fundraising effort to support this program. Letters will be sent from members of the JLC to all state bar members soliciting contributions. To provide some guidance regarding contributions, the bar is suggesting the following ranges for law firms and solo practitioners:

- Large Firm (75+ lawyers)—\$3,000;
- Medium Firm (25-75 lawyers)—\$2,000;
- Small Firm (10-25 lawyers)—\$1,000; and
- Solo practitioners and firms with less than ten lawyers—\$500.

Of course, any contribution to the program will be greatly appreciated.

Once collected, the funds will be managed and distributed by the Alabama Judicial College. To be eligible to receive a one-time scholarship, the applicant judge must be: (1) a current judge in the State of Alabama (circuit civil judge; circuit criminal judge; district judge; domestic relations judge; family court/juvenile judge); (2) who was appointed/elected after January 1, 2001 and has at least three years left on his/her term at the time of the completion of the program; and (3) who has not previously attended the NJC. There will be a maximum of \$2,000 awarded per recipient, and the award must be used to attend the NJC's program on "General Jurisdiction."

The ASB program is modeled after one implemented by the **Birmingham Bar Association** in 2002. **Presiding Judge J. Scott Vowell** of the Tenth Judicial Circuit has been very supportive of the program. According to Judge Vowell, "[a]ll of our eligible judges have attended the ten-day General Jurisdiction court and have given it high marks. . . . In so many ways, hearing how judges in other states address our common issues is very important to judicial education." Similarly, the judges in the circuit who have been able to utilize the scholarship program of the BBA have offered praise for the training offered by the NJC:

"... it is my strong belief that the National Judicial College experience early in a judge's career will lay the proper foundation for excellence on the bench." **Circuit Judge Tom King, Jr.**

"The curriculum covered the spectrum of issues confronting trial judges, in civil, criminal and domestic relation cases. I found particularly helpful courses dealing with the Rules of Evidence, judicial writing, handling jurors and general courtroom management." **Circuit Judge Robert S. Vance, Jr.**

"Sitting on the bench requires a different set of skills and a different perspective from that of a litigator. The course at the National Judicial College enhances the skills required of a trial judge and focuses exclusively on the judicial perspective." **Circuit Judge Caryl P. Privett**

"I left the judicial college with a better understanding of my strengths and weaknesses, and how they affect me as a judge. Every new judge could benefit from this unique judicial educational experience." **District Judge Jack Lowther**

Please join with the ASB's effort to provide this outstanding training to all trial judges in Alabama. Show your support by responding to the letter you receive from the JLC and making a generous contribution to the bar's program by March 1, 2007. ■

2006 PRO BONO Honor Roll

Alabama State Bar Volunteer Lawyers Program

AUTAUGA COUNTY

Kristel N. Gibbons
George H. Howell
Karen H. Jackson
Kimberly G. Kervin
Stephen M. Langham
Jim T. Norman
Andy W. Tampling
George P. Walthall, Jr.

BALDWIN COUNTY

Shawn T. Alves
Shannon T. Arndt
E. Andrew Bailey
E. E. Ball
Thomas O. Bear
Vincent A. Bellucci
Bayless Biles
Julian B. Brackin
Lois A. Carney
H. Max Cassidy
R. Paul Cater
John Earle Chason
Allan R. Chason
L. Brian Chunn
William P. Clifford
Samuel Crosby
Manley Cummins
Jim G. Curenton
Michael A. Dasinger
Carl Davis
Carolyn M. Dohn
Harry M. D'Olive
Kathryn D. Ferrell
Fred K. Granade
Benjamin R. Graves
Charles W. Ham
Jule R. Herbert
Preston L. Hicks
George R. Irvine
Richard D. Jensen
Harold A. Koons
Oliver J. Latour
Robert S. Lewis

J. Alan Lipscomb
P. David Matheny
Jessica M. McDill
Samuel McKerall
Leonard F. Mikul
T. Deven Moore
Mary Murchison
Narissa Nelson
Charles R. Niven
Thomas B. Norton
James D. Patterson
Allyson C. Pearce
Michelle Perry
William Pfeifer
Wendy Pierce
Christi Roberts
Mark D. Ryan
William Scully
David P. Shepherd
Chandler K. Stanard
M. Kathleen Steele
Shelia V. Stone
David Vaughn
H. Darden Williams
Elizabeth S. Wills
Marion E. Wynne

BARBOUR COUNTY

Paul W. Brunson
Jimmy S. Calton
Walter B. Calton
William I. Grubb
Richard Harrison
Deborah Hicks
James L. Martin
Donald J. McKinnon
Courtney Potthoff
William H. Robertson
L. Shane Seaborn
Joel P. Smith
L. Bernard Smithart

BIBB COUNTY

Randall J. Broderick
John Hamilton
Anthony Johnson
William D. Owings

BLOUNT COUNTY

William A. Ellis

Roy Marvin Johnson
Alexander M. Smith
Ted L. Williams
BULLOCK COUNTY
Bradley S. Braswell
Christina D. Crow
Theresa J. Daniel
Lynn W. Jinks
Louis Rutland
Elizabeth C. Smithart

BUTLER COUNTY

Timothy O. Craig
Lewis Hamilton
P. Richard Hartley
Forrest C. Rule
C. Brandon Sellers
Julie S. Swann
Charlotte M. Tesmer

CALHOUN COUNTY

Hobart H. Arnold
Mannon G. Bankson
William H. Broome
LeRoy A. Cobb
Brian K. Combs
Richard W. Couch
Wendy Ghee Draper
Howard W. East
Christopher R. Garner
Jennifer L. Ghee
Shawn M. Hill
Janet M. Hudson
Rochelle D. Hunt
Kenneth A. Hunt
Fred Lawton
Donna B. Madison
Stephen H. Miller
Nathaniel D. Owens
Polly E. Russell
Gary Stanko
Vaughn M. Stewart
Cleophus Thomas
Martin E. Weinberg
CHAMBERS COUNTY
Lisa M. Burdette
Mark H. Carlton
Susan K. Harmon
James C. Ingram

Charles G. Reynolds
CHEROKEE COUNTY
Albert L. Shumaker

CHILTON COUNTY

James T. Bailey
Robert L. Bowers
David B. Karn
Andrew T. Mayfield
Dale Rouse Waid

CHOCTAW COUNTY

E. Mark Ezell
Timothy C. Hutchinson
O. D'Wayne May
J. Perry Newton
William L. Utsey

CLARKE COUNTY

Ronnie E. Keahey
Hardie B. Kimbrough
Phillip E. Mason
J. Charles McCorquodale
Joseph C. McCorquodale
Lee B. Williams

CLAY COUNTY

Joseph D. Ficquette

COFFEE COUNTY

Dwain D. Hartwick
Letitia L. Myers
J. E. Sawyer
Leon M. Shirley
Richard Waldrop
Stanley P. Walker
Stephanie A. Willis

COLBERT COUNTY

Ouida Y. Brown
Nicole M. Dill
Hartwell A. Gargis
H. Thomas Heflin
James Hughston
William T. Johnson
Charles Kelley
Evelyn Mauldin
John C. McKelvey
Tim W. Milam
Terry Mock
Sheila F. Morgan
Stanley Munsey

C. Daniel Rosser

CONECUH COUNTY

Todd B. Watson

COOSA COUNTY

Vanessa Leonard

COVINGTON COUNTY

Ben M. Bowden
Corey D. Bryan
Michael L. Jones
Ronald W. Penn
Benton H. Persons
Grant J. Scott
Gary L. Weaver
Wayne Carter
Brandon S. Coots
Jon M. Folmar
William R. King

CULLMAN COUNTY

R. Champ Crocker
Stephen Griffith
Shelbie C. Guthery
Kathryn A. King
James R. Knight
John Knight
Greg Nicholas
Robert A. Sapp
Seth Thompson

DALE COUNTY

Joe W. Adams
Robert H. Brogden
Jack Corbitt
Donna C. Crooks
William Filmore
Joseph J. Gallo
J. David Robinson
Robert G. Robison
Everett M. Urech
Joe Walker

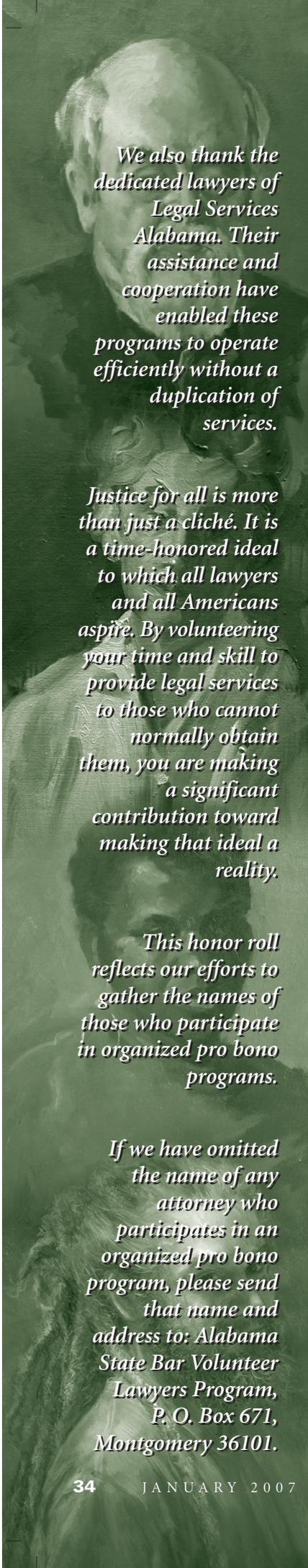
DALLAS COUNTY

Katy Smith Campbell
Prince D. Chestnut
April England
B. Kincey Green
Blanchard L. McLeod

By this honor roll, the Alabama State Bar recognizes the following lawyers for their participation in volunteer lawyer programs across the state. Their generous assistance, cooperation and dedication have enabled these programs to provide legal representation to hundreds of disadvantaged Alabamians.

The Alabama State Bar and the four organized pro bono programs salute all private attorneys across the state who donate some portion of their time to providing free legal assistance to low-income persons.

Organized pro bono programs make us keenly aware of the contribution and concern of many of our colleagues and remind us of our own need to serve our community through our profession. We hope that all lawyers will someday participate in organized pro bono programs so that we can recognize their contributions, too.



We also thank the dedicated lawyers of Legal Services Alabama. Their assistance and cooperation have enabled these programs to operate efficiently without a duplication of services.

Justice for all is more than just a cliché. It is a time-honored ideal to which all lawyers and all Americans aspire. By volunteering your time and skill to provide legal services to those who cannot normally obtain them, you are making a significant contribution toward making that ideal a reality.

This honor roll reflects our efforts to gather the names of those who participate in organized pro bono programs.

If we have omitted the name of any attorney who participates in an organized pro bono program, please send that name and address to: Alabama State Bar Volunteer Lawyers Program, P. O. Box 671, Montgomery 36101.

Collins Pettaway
John E. Pilcher
Jeffrey C. Robinson
P. Vaughan Russell
Henry Sanders
Charles H. Sims
Jan Garrison Thompson
Rick E. Williams

DEKALB COUNTY

L. Suzanne Bailey
James E. risendine
E. Allen Dodd
J. David Dodd
Gary Hartline
Robert K. Jordan
Patricia C. Kellett
Roger G. Killian
Robert T. Ray
Glenn A. Shedd
Patrick H. Tate
John H. Ufford
W.N. Watson
Robert G. Wilson

ELMORE COUNTY

D. Jason Britt
Bonita J. Caldwell
John I. Cottle
Regina B. Edwards
John E. Enslin
John D. Norris
Roderick B. Perdue

ESCAMBIA COUNTY

James E. Coale
John L. Jernigan
Melinda L. Maddox
Robert H. Maxwell
Everette A. Price
William R. Stokes
Joe B. Thompson
Jeffrey A. White

ETOWAH COUNTY

Myron K. Allenstein
Rose Marie Allenstein
Michele G. Bradford
Will H. Clay
Loretta D. Collins
H. Wayne Copeland
Brad W. Cornett
Gregory S. Cusimano
Tamera S. Driskill
Patricia T.H. Granger
A. Clark Hall
F. Michael Haney
Charles C. Hart
Emily P. Hawk
William D. Hudson
David A. Kimberley
Thomas A. King
Daniel B. King
Christina D. Knowles
Donna F. McCurley

Bobbi J. McGehee
Philip E. Miles
Jeffrey P. Montgomery
Krystal G. Padula
James D. Pruett
Richard A. Rhea
Michael L. Roberts
John T. Robertson
James T. Sasser
A. Wilson Webb
William R. Willard
J. Curtis Wright

FAYETTE COUNTY

Cynthia M. Bockman
Charles A. Langley
Jerry D. Lawrence
Louis Moore

FRANKLIN COUNTY

Roger H. Bedford
Jerry C. Porch

GENEVA COUNTY

Alfred J. Danner
Laura A. Dell
David J. Harrison
Jeffery D. Hatcher
David F. Holmes
Michael P. Hughes
Joseph P. Hughes
John L. Knowles
David W. Rousseau

HALE COUNTY

Patrick S. Arrington

HENRY COUNTY

Samuel C. Money
James D. Peterson

HOUSTON COUNTY

Samuel L. Adams
Wade Baxley
M. Hampton Baxley
Randy C. Brackin
William Terry Bullard
W. Trant Bullard
Jon Christopher Capps
Daniel K. Clark
Lori S. Collier
J. Michael Conaway
Bobbie Crook
William Feagin
D. Taylor Flowers
Arne M. Foss
Rafael Gil
Brent H. Gourley
Harry P. Hall
Christen L. Hayes
Joe E. Herring
J. R. Herring
David K. Hogg
Gary A. Hudgins
Dow Huskey
Clifford W. Jarrett
Daniel F. Johnson

Lora L. Johnson
A. Gary Jones
Richard R. Klemm
Matthew Lamere
Benjamin E. Meredith
Joseph Morris
Malcolm R. Newman
Joel M. Nomberg
James W. Parkman
Nancy S. Pitman
H. Samuel Prim
Joel W. Ramsey
Richard H. Ramsey
Shannon A. Rash
Tommy R. Scarborough
Jere C. Segrest
Rufus Smith
Gene P. Spencer
Tammy L. Stinson
J. Farrest Taylor
Kevin Walding
Freddie White

JACKSON COUNTY

Stephen M. Kenamer
S. Jack Livingston
Kenneth H. Looney
Pamela McGinty Parker
Gerald R. Paulk
Finis Royal
Patricia Cobb Stewart
William W. Tally
C. Rena Webb
Don Word

JEFFERSON COUNTY

Garry W. Abbott
Cassandra W. Adams
Janet M. Akers
Leslie M. Allen
J. Shawn Allen
Eric C. Andreae
Ricardo Aparicio
Herbie W. Brewer
E. L. Brobston
Keith A. Brown
Cynthia Vines Butler
Robert J. Camp
Kevin E. Clark
John G. Dana
Jonna M. Denson
Julie S. Elmer
Jesse Evens
Alan L. Foster
V. Edward Freeman
Leatha Kay Gilbert
P. Allen Goodwine
Robert L. Gorham
Elizabeth D. Harris
George M. Higginbotham
Shannon E. Hoff
Edward A. Hosp
Kaye K. Houser
Paul A. Irwin

Perry G. Jackson
Monica Agee Kimbrough
Joseph C. Kreps
Thomas M. Little
Bobby Lott
Champ Lyons
Deborah A. Mattison
Gerald Maxwell
Reginald D. McDaniel
Mari Morrison
Laura A. Palmer
Warren M. Parrino
Denise B. Poe
Lorraine W. Pringle
Myra C. Roberts
Katrina Ross
Edward K. Rosser
Ayn Traylor-Sadberry
David L. Scott
Joan B. Singleton
David Smith
Marshall E. Smith
Gregory C. Starkey
Thomas E. Thrash
Michael A. Vercher
William B. Ware
J. Bennett White
Derry Olive Wilcox
Walter A. Williams
Christopher J. Williams
Mark S. Williams
Sabra M. B. Wireman
Anne L. Wohlfeld
Tiara S. Young

LAMAR COUNTY

Donald W. Lambert
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AN AMERICAN REVOLUTION



New Landlord-Tenant Act Makes It Easier for Legal Services and VLP Lawyers to Help Low-Income Tenants

BY LAWRENCE F. GARDELLA

Sally Tenant¹ is in the fifth month of a 12-month lease. Under the terms of her lease, rent was due on January 1 and in default if not paid by the fifth. As of January 7, she has not paid it. She had to use the rent money to pay for space heaters to make her home warm enough for her two children who have asthma. The cold temperatures in the apartment have triggered more frequent asthma attacks. Her lease provides for automatic termination upon default. When she gets her check on January 9, she will be able to pay the rent. Her landlord does not want to wait, however, because he is tired of her complaining about the heater not working properly.

If Ms. Tenant loses this apartment, she will end up forfeiting her security deposit. The check that she could use for rent might pay rent somewhere else, but it would not allow her to pay a security deposit at a new apartment and to pay the cost of moving. Being unable to cover all these unanticipated costs would put her at risk of being homeless at least temporarily if she had to move right away, which would force her to seek assistance from private charities and taxpayer-supported services. A precipitous move out of the school district would disrupt her children's education. And if she took out a title pawn or payday loan to cover the costs, the phenomenally high interest rates could easily cause her to lose her car and free fall into hopeless debt. So, she really has to try and keep this apartment.

On January 8, Ms. Tenant's landlord sends her a ten-day demand letter. On the 9th, she offers the rent, but he refuses to accept it. He files a Sanderson Act eviction. She goes to a Legal Services or VLP lawyer for help. The lawyer files her counteraffidavit and starts negotiating with the landlord. The lawyer learns that the notice was proper, and that Ms. Tenant will lose if she goes to court. Although she does not like her landlord and would like more dependable heat, she really loves the apartment and does not want to move. Her lawyer is able to negotiate a settlement that allows Ms. Tenant to remain—but only if she pays the rent, plus a late fee, plus court costs, plus a fee for the landlord's lawyer, and she signs an addendum to her lease providing that she will not have her boyfriend visit her at her apartment. The landlord holds all the bargaining chips.

Sally Tenant's cousin, Lester Lessee², also rents from the same landlord. He signed the same lease on the same day as Ms. Tenant. The lease prohibits all pets. Over Christmas, Lester got a dog. His landlord found out and sent a lease termination letter.

Mr. Lessee, too, got help from a Legal Services or VLP lawyer and was able to stay—but only after getting rid of his dog and paying court costs and an attorney's fee.

The leases for both Mr. Lessee and Ms. Tenant end in July 2007. They both sign new leases. (Since they are signing after the effective date of the Uniform Residential Landlord and Tenant Act, the new leases are subject to that law.) Ms. Tenant takes in a stray cat in September. Mr. Lessee cannot pay his September rent on time. Their landlord sends them both notices. Five days later Mr. Lessee comes up with the rent money, and Ms. Tenant gives the cat away to her mother. No matter how much their landlord may now dislike them and want them out, he cannot evict either Mr. Lessee or Ms. Tenant. Both have the right to cure their defaults during the notice period—and both have. And if the landlord hired a lawyer to send the termination notice, the landlord cannot make either one pay any of that lawyer's fees. If the landlord rejects Mr. Lessee's late rent because of his failure to pay lawyer's fees (or for any other reason) and files an eviction action against either Mr. Lessee or Ms. Tenant, a lawyer would be able to help both tenants prevail.

Once they have signed a lease or lease renewal after January 1, 2007, Mr. Lessee and Ms. Tenant are protected by *Alabama Code* §35-9A-421, which gives them the right to remedy any breach of the lease, and by *Alabama Code* §35-9A-163(a)(3), which prohibits lease provisions requiring tenants to pay a landlord's attorney's fees. Indeed, if the landlord uses such prohibited lease provisions in a lease signed after January 1, 2008, he will become liable to his tenants for one month's rent plus attorney's fees. *Alabama Code* §35-9A-163(b).

These are only a few of the provisions of Alabama's new Uniform Residential Landlord and Tenant Act that afford low-income tenants more rights and lawyers representing these tenants more opportunities to help them. Others include a duty for the landlord to make repairs needed to maintain the premises in a habitable condition³, and the related right of a tenant either to terminate the lease and move or to obtain injunctive relief if a landlord fails after demand to make needed repairs.⁴ These give a tenant's lawyer the means of forcing a landlord to make an apartment livable and a means of defending a suit for rent for the balance of a lease term when a tenant who follows the steps provided in the law moves out. Similar benefits flow from the tenant's right to enforce a landlord's duty to make utilities available.⁵

Both provisions would prove helpful if Ms. Tenant's landlord does not get the heater fixed before the 2007-2008 winter.

The limits on the amount of, and a right to the return of, a security deposit⁶ can make it easier for a lawyer to get back a tenant's security deposit. The ban on a landlord unilaterally imposing rules during the course of a tenant's lease that substantially diminish the tenant's rights⁷ will provide a complete defense to many evictions.

While other prohibitions give tenants additional substantive rights⁸, there are also new procedural provisions that could help a lawyer defend a tenant. First, there is the repeal of the Sanderson Act⁹, which gives a lawyer the ability to use every Rule of Civil Procedure. This is most helpful where a tenant has failed to file a timely response. Under the Sanderson Act, there was no right to set aside or appeal the writ of eviction.¹⁰ Now, a tenant can answer before judgment has been rendered and can move to set aside or appeal any default. Finally, when a landlord files an eviction, the new Act allows a tenant to raise counterclaims and to win the eviction case even in instances where the tenant did not in fact pay all the rent due.¹¹

In September 2002, Robert McCurley wrote an article noting the need for Alabama to enact a uniform landlord-tenant law and talking about the committee working with him for such legislation. Thanks to the work of Mr. McCurley and his committee and that of several groups acting on behalf of low-income Alabamians, such an act has passed, and lawyers have far more weapons at their disposal when representing tenants. ■

Endnotes

1. Fictional name.
2. Fictional name.
3. *Alabama Code* §35-9A-204, the Act's warranty of habitability.
4. *Alabama Code* §35-9A-401
5. *Alabama Code* §35-9A-404
6. *Alabama Code* §35-9A-201.
7. *Alabama Code* §35-9A-302(c) invalidates such rules, unless the tenant consents to them in writing.
8. See *Alabama Code* §§35-9A-163(a)(2), which prohibits confessions of judgment and 163(a)(4), which prohibits exculpatory clauses and clauses limiting a landlord's liability.
9. Section Three of *Alabama Code* §35-9A-603
10. See *Salvadore v. Howard*, 247 Ala. 533, 535, 25 So. 2d 412, 413-414 (Ala. 1946) (denying a tenant a trial where he failed to timely file a counteraffidavit with the sheriff, because "jurisdiction can only be quickened into exercise by following the mode prescribed by the statute").
11. *Alabama Code* §35-9A-405(a) specifies that a tenant can counterclaim against a landlord, and that if the court decides that the landlord owes the tenant more than the tenant owes the landlord, "judgment shall be entered for the tenant in the action for possession."

Larry Gardella

Larry Gardella is director for advocacy for Legal Services Alabama. He received both his A.B. and his J.D. from Cornell University. He is on the board of the Mid-Alabama Coalition for the Homeless and currently serves as president-elect.

Renters and landlords can learn more about their rights under the Act through a free brochure and handbook prepared by Alabama Appleseed Center for Law and Justice, Arise Citizens' Policy Project and Legal Services Alabama. "The Alabama Tenants' Handbook" and the brochure, "A Decent Place to Live: Tenant Rights in Alabama," are available at all LSA offices. Download copies at www.arisecitizens.org or order them by calling (800) 832-9060 or e-mailing brenda@alarise.org.

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Our Highest Calling

*Testimony of William Harold Albritton, III of Alabama, to be
a U. S. District Judge for the Middle District of Alabama (April 24, 1991)*

BY W. HAROLD ALBRITTON, III

Senator KOHL: In *The Alabama Lawyer*, the state bar publication, you wrote that you “strongly oppose the idea of mandatory pro bono.” Could you explain your position? Also, how do you respond to critics who say that we need mandatory pro bono, since without it, legal advice is unavailable to many who cannot otherwise afford it?

Mr. ALBRITTON: Mr. Chairman, I do oppose mandatory pro bono. Philosophically, I think that it is just as wrong for the government or the bar to require a lawyer to, in effect, give his property without compensation, as it would be to require doctors to give free medical attention or to require farmers or grocery stores to give free food.

The context of that article where I opposed mandatory pro bono was a strong support of a voluntary pro bono program that we have begun in the State of Alabama. In addition to the

philosophical problems with mandatory pro bono, I think that it would create an administrative headache that would be almost unmanageable, and, frankly, I am not sure about the quality of legal services that someone would receive if they were being required of someone.

What I said was that for people who do oppose mandatory pro bono, as I do, there is a particular burden to make sure that voluntary pro bono works, because I strongly believe that it is an ethical responsibility of a lawyer to provide legal services to the poor.

One of the programs that we have instituted in Alabama is a new voluntary pro bono program. We have just hired a statewide coordinator to organize the program throughout the state, and I hope that by this summer we will have in place a program where we are asking all lawyers in the state to voluntarily submit a certain number of hours of direct delivery of legal services to the poor. So, I strongly favor pro bono, but on a voluntary basis.

2007 Alabama State Bar Annual Meeting

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Grand Hotel Marriott Resort - Point Clear, Alabama

Senator KOHL: Senator Thurmond.

Senator THURMOND: Thank you, Mr. Chairman.

Mr. Albritton, in reviewing your file and, as you stated, you served as president of the Alabama State Bar. I am sure that, in your capacity, one of your concerns is the rendering of pro bono service by members of the bar. Would you please tell the committee what advice you would give young attorneys concerning their responsibility in providing this type of legal service?

Mr. ALBRITTON: Yes, sir, Senator, I would tell them and have told them that the delivery of pro bono services to the poor is the highest calling of the lawyer, is something that should not be done grudgingly, but should be embraced willingly.

At the risk of some people thinking that this might sound overly sentimental, I would say to them that they will never receive a fee during their entire career that will make them feel more pride in being a lawyer than they will by the grateful tears on the cheek of someone who cannot afford legal services benefiting from their help.

(U. S. Senate Judiciary Committee, Confirmation Hearings on Appointments to the Federal Judiciary, S. Hrg. 102-506, Pt. 1, 218-219 (1991)).

The article to which Senator Kohl referred was my “President’s Page” in the January 1991 issue of *The Alabama Lawyer*. This article, written 15 years ago, announced the kickoff of an exciting new project of our state bar—the Volunteer Lawyers Program. I invite you to take a look now at what we envisioned then in the article reproduced below:

* * * * *

Pro bono publico: For the public good

The providing of free legal services to the poor has long been referred to as our profession’s highest calling. The Alabama State Bar is launching an exciting new program that will allow us to expand such services in a organized manner, on a statewide basis. It is called the Volunteer Lawyers Program, and I want to share some thoughts about it with you. First, a little background.

Lawyers, more than any other profession, have always been in the forefront of giving themselves to community service. Look at civic clubs, United Fund drives, municipal boards, Little League and Scouting programs, and numerous other civic endeavors and you will see lawyers, giving freely of their spare time to help make life better for others.

Most lawyers are also generous with their professional time in cases of need. Free legal services to non-profit corporations of various types are a common occurrence, and it is rare for a lawyer to practice very long without developing a number of “pets” who cannot afford a lawyer but who know where they can go for legal advice, without charge and without fanfare.

Legal Services Corporation provides a network of free attorneys for the poor throughout the country, including many hardworking attorneys in Alabama, paid for by federal tax dollars and grants. Pro bono programs are in existence through local bar sponsorship in Mobile, Montgomery, Huntsville, Birmingham, and Tuscaloosa.

It might surprise many of you to know, however, that a statewide survey conducted in 1989 by a professional research firm on behalf of the Alabama State Bar Committee on Access to Legal Services concluded that there exists in Alabama a vast amount of legal needs of the poor not being adequately met by our current system. The survey also found that many of the poor do not even recognize problems they are experiencing to be legal problems for which there may be a solution.

Certainly, the poor will always be with us, but that does not mean that we should close our eyes to their needs.

Some feel that meeting these needs is primarily a responsibility of the federal government and that this should be done by a new influx of federal money into existing programs. Others feel that this should be considered a requirement of a lawyer’s admission to practice and that delivery of free legal services to the poor should be mandatory for those who are given the privilege of earning a living by practicing law. Your state bar has taken a different approach, and that brings us to the Alabama State Bar Volunteer Lawyers Program.

Our Committee on Access to Legal Services believes that when the lawyers of this state are made aware of the great needs in this area and given an opportunity to help they will wholeheartedly respond. Last summer the board of bar commissioners approved the committee’s recommendation for a coordinated approach to this problem, based on enlisting volunteer lawyers throughout the state, and endorsed an application for IOLTA funds to hire a state coordinator.

The first step in making this important new program a reality has now been taken. I am happy to announce that with IOLTA funding, Melinda Waters of Montgomery, a member of the state bar, has been hired as the coordinator of the Volunteer Lawyers Program. Her initial task will be to organize the program on a statewide basis, working with existing local pro bono organizations and developing a structure for delivery of needed services where no local organizations currently exist. Next will come recruitment of volunteers.

This effort is an excellent example of how different segments of our organized bar work together for the public good: several years of hard work by a dedicated committee resulting in a plan, consideration and approval of the plan by the board of bar commissioners, and funding made possible by the directors of the Alabama Law Foundation and lawyers who have made their trust accounts a part of the bar’s IOLTA program.

The success of this new program, of course, will ultimately depend on you. Exciting in concept, the Volunteer Lawyers Program has now moved into the organizational stage. You will be kept fully informed of details as the program develops. When the time comes for recruitment of volunteers I believe that you will want to be a part. And, through being a part, you will be accepting the opportunity to make a personal contribution to our profession’s highest calling — *pro bono publico*.

* * * * *

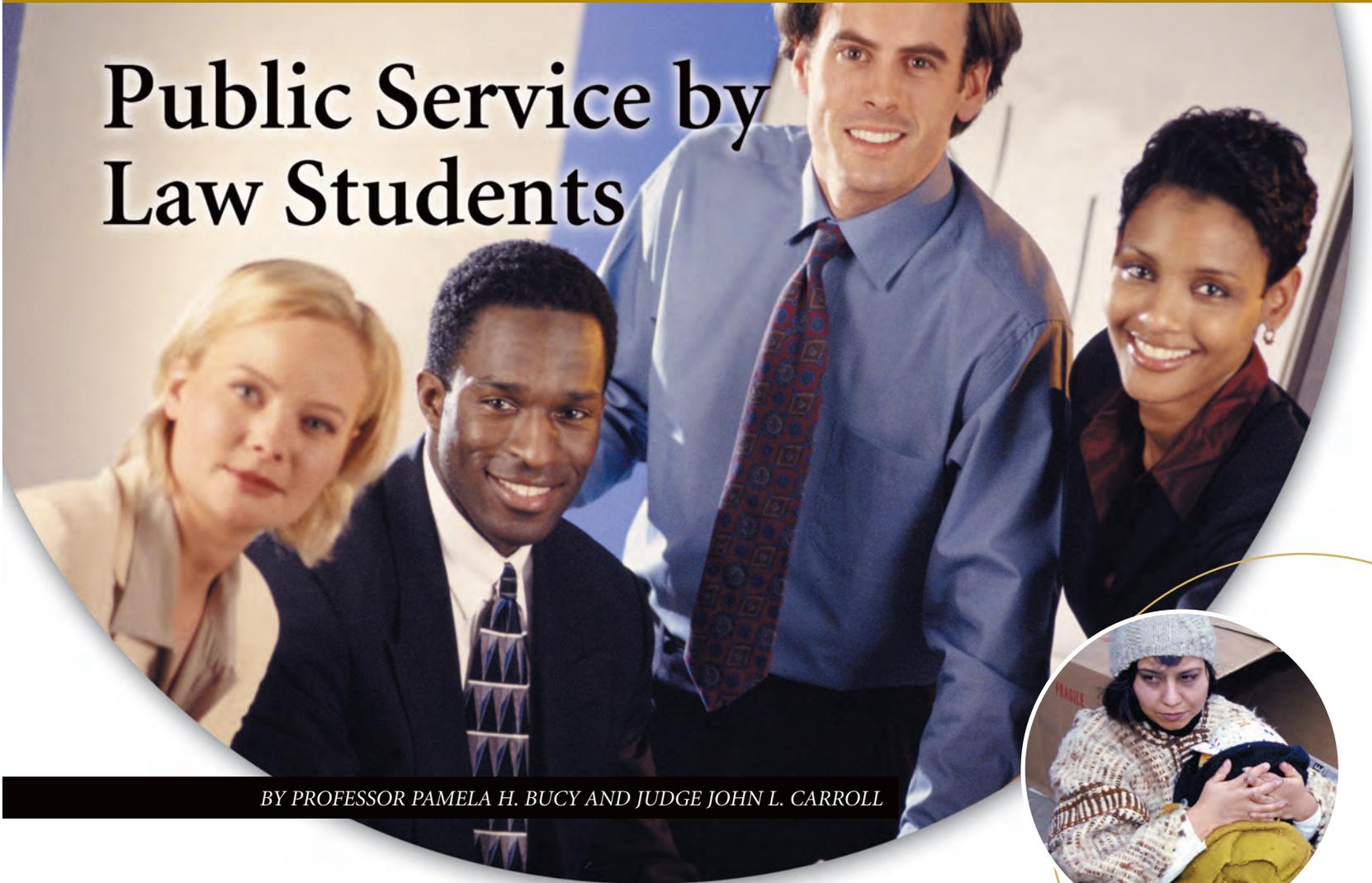
I am proud to say that the Volunteer Lawyers Program has been a resounding, award-winning success. The percentage of Alabama lawyers participating in organized legal help to the poor substantially exceeds the national average—not because our lawyers have to, but because they want to. But, we can, and should, do more.

If you have read this far, this is my challenge to you. If you are not already a member of the Volunteer Lawyers Program, pick up the phone before you put this magazine aside and forget it, and call the ASB at (334) 269-1515 or (800) 354-6154 to get information and join. Or, go to www.alabar.org and sign up online. You will finish this day feeling good about yourself—a more complete lawyer for having answered “our highest calling.” I guarantee it! ■

JUDGE W. HAROLD ALBRITTON, III

Judge W. Harold Albritton, III is a senior judge with the U.S. District Court, Middle District of Alabama, in Montgomery. Judge Albritton received his undergraduate and law degrees from the University of Alabama. After serving in the Army, he practiced with the Andalusia firm founded by his great-grandfather in 1887. Judge Albritton served as president of the Alabama State Bar from 1990-91. He was appointed a U.S. District Judge by President George Bush in 1991 and became chief judge in 1998. He served in that position until taking senior status in 2005. Judge Albritton is a Life Fellow (American Bar Foundation), a Judicial Fellow (American College of Trial Lawyers) and a member of the Federal Judges Association, the American Judicature Society, and the Montgomery Chapter, American Inns of Court. Judge and Mrs. Albritton’s three sons are all practicing attorneys.

Public Service by Law Students



BY PROFESSOR PAMELA H. BUCY AND JUDGE JOHN L. CARROLL



Allison Alford Ingram presents the Volunteer Lawyers Program Student Award at the October 2006 Admission Ceremony.

The woman, now in her twenties, attends class, works daily in an office, and loves to read. She hopes to be a journalist someday. The woman is considerate and gracious, and makes an effort to help her visitor feel at ease. That's not an easy feat since the woman is hosting her visitor from an Alabama prison where she is serving a term of life without parole. The woman was convicted for aiding and abetting her boyfriend in the murder of her grandfather and aunt, and for stabbing her sister when she was 14 years old. Interviewing the woman is a University of Alabama law student¹ who served as a summer intern with Equal Justice Initiative (EJI) during the summer 2006. EJI is a private, nonprofit organization in Montgomery that provides legal representation to indigent defendants and prisoners.

What did this law student think about meeting her chronological peer on death

row? "I saw that individuals may do bad things but they are not monsters. And, it made me more optimistic about human nature because I met someone who was full of hope." What did this student learn from her summer internship? "I saw how lawyers deal with situations when all the law and the facts are against you. It also helped me find out what a good job would be like. A good job is having an impact on something important. My EJI internship affirmed that, yes, I like the law." Does this student hope to take a public interest law job after she graduates from law school? "I would like to but I have \$70,000 in debt. I don't know if I'll be able to."

Another University of Alabama law student, Rick Pohlsander, during an Elder Law clinical course during his second year of law school, saw firsthand the advantage of using the Tuscaloosa County Probate Records' office computerized system over its antiquated filing system. Pohlsander

recruited other UA law students to volunteer their time to computerize the remaining probate court files. Since early fall 2006, these students have been scanning court files one by one; they expect to be finished by September 2007.

Along with ten other University of Alabama law students, Pohlsander also regularly visits residents at area nursing homes as a volunteer. The students talk to the residents to see if their needs are being met, and listen to their stories. It's an enlightening process. One student spoke of walking into a resident's room and being greeted by a foul odor, and even fouler language.

Why does Pohlsander do such public service, especially while a busy law student? "My education here is a bargain. I wanted to give something back to the state." What are Pohlsander's plans after law school? "I'm going back home. There are only seven attorneys in my county. I'm going to hang a shingle."

During the fall of 2006, more than 80 University of Alabama law students volunteered to help Katrina victims. Coordinated by UA Law Professor **Bob Kuehn** and Tuscaloosa attorney **Cooper Shattuck** of Rosen, Cook, Sledge, Shattuck & Oldshue, law students assisted over 100 Katrina victims. The students met people who had lost everything, people who didn't want to go back, and people who wanted to but couldn't because there was nothing left. Most of the Katrina victims' legal questions concerned insurance: Do I have insurance? What does it cover? Who do I call? What do I do when no one calls me back?

Emily Hines, a second-year UA law student, was one of the Katrina volunteers. She recalls as one of the more memorable individuals she met a man who, months after Katrina hit, was still searching for his sister and her family. He didn't know where his sister was or where she had gone, and he didn't know how to find her. There were some surprises. As Emily recalls, the FEMA people were very nice. And, she saw, Mississippi was hurt worse than parts of New Orleans but didn't seem to get as much sympathy, maybe, Emily surmised, because of media attention focused on New Orleans. Emily watched how differently hurricane victims responded to the catastrophe. She saw that some went out looking for jobs

right away, found them and began rebuilding their lives. Others wanted laws to take care of them.

Each semester, UA law students volunteer at the **Tuscaloosa Community Soup Bowl** for homeless persons. In September 2006, law students bought and cooked food, and served over 550 homeless persons for Saturday and Sunday lunches. According to one volunteer, who describes the Soup Bowl as her favorite volunteer experience since entering law school, "The people are so appreciative. It is so much fun. You go to Sam's and buy the huge portions, then cook. It's very humbling. Very leveling. The person who is first in the class will be there in the kitchen saying, 'Uh, how do you cook this stuff?'"

Public interest summer internships and outreach to the community are just some of the programs coordinated through UA Law School's Public Interest Institute. Created in 2000, the Institute builds upon the longstanding tradition of service by the law school's students, graduates and faculty. Notably, in 2000, the year the Institute was created, 24 of the 25 existing UA Law School student organizations sponsored at least one public service activity. One of the Institute's activities is an annual **Speakers Series**. Prior speakers have included Millard Fuller, founder of Habitat for Humanity (UA Law '60); Morris Dees, founder of the Southern Poverty Law Center (UA Law '61); Derrick Crawford, legal counsel, National Football League (UA Law '90); and Bryan Stevenson, director of Equal Justice Initiative.

The Institute also sponsors the **Dean's Community Service Award** and **Order of Samaritan**. Order of Samaritan is UA Law School's highest public interest award and is bestowed on those law students who obtain both the Dean's Community Service, which is earned through community service, and the **Volunteer Lawyers Program (VLP) Student Award**, which is awarded by the Alabama State Bar for work in the VLP.

Additionally, the Institute awards summer fellowships to law students who do public interest law internships. Since 1992, the law school has awarded over 150 summer fellowships to UA law students. These summer internship placements have included Legal Aid of Birmingham, Legal Services Corporation, Public Defender



offices, U.S. Attorney's offices, the Alabama Department of Environmental Management, the Southern Environmental Law Center in Washington, the Georgia Center for Law in the Public Interest, the Alabama office of the American Civil Liberties Union, the Nature Conservancy, the University of Berkeley Disability Rights Education and Defense Fund, the National Labor Relations Board, Equal Justice Center's Poultry Workers Project, and the office of a United States Senator.

Through the Institute, law students provide **literacy tutoring** for elementary children at Tuscaloosa housing developments, conduct a "Work-A-Day" each semester in which law students paint houses, clean up trash and work on **Habitat for Humanity** homes, and present a **mock trial** at area middle schools.

Lastly, each year the Public Interest Institute sponsors the **Michael A. Figures Law & Leadership Forum** at the Law School. Teenagers from Chilton County are selected by their teachers to attend this forum. It begins with an awards luncheon in their honor. The 2006 keynote speaker was **Christopher England**, an '02 UA Law School graduate and newly elected state representative to the Alabama legislature. The teens then participate as jurors in an eight-hour mock trial conducted by law students. **Elizabeth Humphrey Huntley**, UA Law '97, created this forum in honor of Michael Figures, elected lieutenant governor of Alabama, who was one of the first African-Americans to graduate from the UA School of Law.

Tari Williams, director of the Public Interest Institute, summed up the UA Law School's view about public service by lawyers: "Public interest isn't what you do, it's who you are. Lawyers serve the public interest by working for fairness."

Samford University's Cumberland School of Law, like the University of Alabama School of Law, seeks to foster a commitment to serving the public in its students. Under the umbrella of the **Cumberland Public Interest Project**, the school works to provide an understanding of the lawyer's duty to serve the community through a wide variety of programs.

The **Cumberland Community Service Organization (CSO)** is the student organization dedicated to public interest projects with the Cumberland Community and the community at large. The CSO begins its work during 1L orientation. The Friday of orientation week is devoted to public interest and public service. Members of the Alabama State Bar address the students and discuss the importance of public interest and public service. The afternoon is devoted

to participation in community service projects at places like **Urban Ministries** and the **Alabama Wildlife Center** at Oak Mountain State Park. The CSO then begins a year-long program of community service opportunities for students.

During the fall, CSO coordinates work on a Habitat for Humanity house. Before Thanksgiving, the CSO sponsors a canned food and clothing drive to benefit Birmingham Urban Ministries. In the spring, CSO participates in the YWCA flower sale which benefits **KidsKorner**, the YWCA childcare program for children whose families reside in area shelters for the homeless and undertakes its largest project, the **CSO Easter Egg Hunt**. The Easter egg hunt brings literally hundreds of children sponsored by various agencies in the Birmingham area to the Samford University campus. This year's event, for example, assisted children sponsored by **Big Brothers** and **Big Sisters**, the **Salvation Army**, **Urban Ministries**, **Children's Village** and the **YWCA**. For students, this is the favorite event of the year. As one student volunteer remarked, there is nothing in law school to compare to the smiles that they see as children who are often forgotten or ignored by society enjoy

a day devoted to them. The Community Services Organization also sponsors a yearly job fair which brings public interest employers to the law school.

CSO also provides opportunities when special needs arise. When 11 students from **Tulane** and **Loyola** came to Cumberland in the aftermath of Hurricane Katrina, the CSO assisted to make sure that their needs were met. The CSO also raised \$2,700 for victims of the hurricane which was then matched by Compass Bank for a total of \$5,400. The organization also helped facilitate the placement of an **Alabama Legal Services Call Center** at the law school to help victims of Hurricane Katrina with legal problems. Cumberland students also did volunteer work to assist Katrina victims housed at the Birmingham Jefferson Civic Center and some participated in the **Common Ground Katrina Relief** effort during spring break 2006.

Other student organizations at Cumberland add to the efforts of the Community Services Organization. Both the **Women in Law** and the **Black Law Students Association** maintain active community service volunteer programs. The Black Law Students Association, for example, sponsored an "Eat Well, Test Well" program for students at Glen Iris Elementary School. By collecting breakfast food items, the BLSA students were able to provide breakfasts to students in the 3rd, 4th and 5th grades on standardized testing days. The Women in Law organization also collects used children's books to be distributed to needy grammar schools in the area at Christmas time.

Students from Cumberland also participate in the **VITA (Volunteer Income Tax Assistance Project)**. Through that project, Cumberland students prepare income tax returns for low-income individuals. In 2003, the American Bar Association named the Cumberland initiative the best new VITA project in the country.

The **Center for Law & Civic Education**, a nationally recognized entity housed at the Cumberland School of Law, also provides significant public service opportunities for Cumberland students. The most popular program is the **Street Law** program where Cumberland students are trained to teach juvenile law and then are assigned to teach classes in the Jefferson County and Birmingham public schools.

Over 70 students participated in the **Street Law** project this past year. Cumberland students also participate in the **Teen Court Program** sponsored by the Center. Teen Court is a division of the Jefferson County Family Court created for first-time juvenile offenders charged with non-violent crimes and are represented and prosecuted by teen attorneys before a jury of their peers. Cumberland students assist the teen litigators in preparing their cases.

There are two other projects now underway which are also sponsored by the Cumberland Public Interest Law project which will be available online this spring. The first is the **Julia Tutwiler Prison Education Project**. Cumberland students and faculty will be teaching basic law classes to inmates at the Julia Tutwiler Prison for Women. The second is the **Cumberland Community Mediation Center**. Students who have completed the mediation practice course will be utilized to resolve community disputes in cases where the parties are unable to afford the services of a paid mediator.

Cumberland honors its students who have done public interest work through the **Spirit of Service Award** which recognizes students who have contributed 30 hours of pro bono or public interest work. The most important award is the **Dean's Public Interest Award** which is given annually to the Cumberland student who best exemplifies a commitment to public interest and community service.

The law school also sponsors public interest externships, internships and volunteer opportunities for students to work with public interest organizations. In addition, the law school, through the generosity of its alumni and the **Henry U. Sims Foundation**, offers summer stipends for students who engage in public interest work during the summer. These stipends have helped fund placements with **New York City Legal Aid**, the **Federal Judicial Center in Washington**, **Jefferson County Family Court**, the **YWCA Domestic Violence Project**, the **Civil Rights Division at the United States Department of Justice**, **Black Warrior Riverkeepers**, the **Chicago Cook County and District of Columbia public defender offices** and various other state prosecution and defense agencies. It is these opportunities to work in a real world



environment that provides an insight into the importance of public interest law that no classroom can provide.

Eddie Koen is a third-year student at Cumberland with a passion for criminal defense work. It is not surprising that he has pursued opportunities which fuel that passion. Following his first year at the law school, Eddie worked for the **Cook County Public Defenders Office** in Chicago. Last summer he worked again for a public defender organization, this time in the District of Columbia. Eddie also acts as a student volunteer working with the Chicago law firm of **Skadden & Arps**, assisting lawyers from that firm with Alabama death penalty cases.

Much of the work which Eddie has done with the defender organizations replicated the experience of most summer law clerks. He wrote memoranda on legal issues, conducted interviews and attended hearings and trials. His most important learning, however, occurred through his interaction with the public defender's clients both on the street and in jail. It was this important contact with persons, always low-income and almost always minority that has increased Eddie's desire to enter public interest work. In Eddie's words, "Pursuing a career in public interest will help fulfill the goal that most law students put in their personal admissions statement. I want to become a lawyer to help people."

Allison Case, another third-year student at Cumberland, pursued her interest in a facet of the criminal justice system different from Eddie. Allison did volunteer internships with the **United States Attorney's Office** in Birmingham and the **Alabama Attorney General's Office**. Allison's experience was again similar to other summer law clerks. While at the U.S.

Attorney's office, Allison wrote memos on a wide variety of topics from search-and-seizure issues to gun control and assisted in the drafting of a brief for the United States Court of Appeals for the 11th Circuit. At the Attorney General's office, she worked in the criminal appeals section and assisted in the preparation of briefs.

For Allison, the work was a reaffirming experience. In her words, the experiences with the United States Attorney's office and the Alabama Attorney General's office "affirmed my belief that a government attorney can actually benefit the lives of others by providing me a direct view of the relationships between the legal systems and its citizens." She also noted that, "I grasped how prosecutors maintain the dual role of being protectors of society and the voice of society at large."

Stephanie Crenshaw, a 2006 Cumberland graduate and now a member of the Alabama State Bar, volunteered for work as a court advocate with the **YWCA Legal Advocacy Program of Central Alabama** while she was in law school. Her principal job was interviewing victims of domestic violence. She also worked supporting victims in **Jefferson County Family Court** and **Homewood Municipal Court**. For Stephanie, the job was a tremendous educational experience. She came in contact with women from all walks of life, some in similar situations and others in very different situations. Sometimes the cases involved spouses or couples who were dating. These cases included men who abused women but also women who abused men. Other cases involved parents and children. There was a father who attacked his adult daughter and an adult daughter who attacked her mother.

The experience was an outstanding one according to Stephanie, which not only exposed her to the victims of domestic violence but to lawyers and judges who work in the field. The opportunity to interact with clients was invaluable. Nonetheless, the experience was sobering. In her words, "I was amazed at how much domestic violence is in the world, every day. This is an epidemic that is not publicized."

Lastly, **Latonia Williams**, a second-year student at Cumberland, had what she describes as a life-changing experience while working in the housing division of **Legal Services of Metro Birmingham** where she assisted in the representation

of clients in eviction proceedings. She learned that working in the public interest means "not only working to help those who do not have the finances or resources to help themselves but also means protecting them from the people who seek to take advantage of them because of their situation." Latonia recalls a case where the landlord refused to make repairs to a home that was falling apart, not because he did not have the resources but because he knew that the tenant had no where else to go and nowhere to turn. The landlord knew that the tenant's options were to stay in the rundown home and continue to pay rent or to stay on the streets. What Latonia learned while working for Legal Services is something that she will always take with her. In her words, "When you can stand up for the 'little people' and stand up to the 'big people,' it feels like you are making the justice system do the justice that people deserve." ■



Endnotes

1. The law student's name is not provided in this article to preserve the identity of the client.



Professor Pamela H. Bucy

Pamela H. Bucy is the Bainbridge Professor of Law at the University of Alabama School of Law. She is a member of the Board of Bar Commissioners and has served on the Alabama State Bar's Committee on Access to Legal Services.



Judge John L. Carroll

Judge Carroll is dean and Ethel P. Malugen Professor of Law at the Cumberland School of Law, Samford University, Birmingham. Judge Carroll served as a United States Magistrate Judge in the Middle District of Alabama for over 14 years. He received his undergraduate degree from Tufts

University and holds law degrees from the Cumberland School of Law at Samford University (J.D.) (*magna cum laude*) and Harvard University (LL.M.).





A LARGE FIRM TAKES ON PRO BONO: **Maynard Cooper & Gale's Pro Bono Divorce Clinic**

BY MAIBETH J. PORTER

On September 27 and 28, Maynard Cooper & Gale conducted its first Pro Bono Divorce Clinic.

Nineteen attorneys participated and met with 22 clients, who previously had been screened by Legal Services Alabama. The purpose of the clinic was to help relieve Legal Services' backlog of clients who desired uncontested divorces without children. The other purpose was to allow the attorneys at Maynard, Cooper, who serve mainly corporate clients, to learn the skills to fulfill their obligation to provide pro bono services. Domestic relations attorneys from Legal Services were on site to answer questions, as were Linda Lund, director of the Volunteer Lawyer Program for the ASB, and Deborah Jenkins, Linda's counterpart in Birmingham.

Several months prior to the clinic, LSA conducted a two-hour seminar regarding divorce law.

At the clinic, clients' circumstances varied. Some qualified to request waivers of filing fees and submitted affidavits of hardship. Others, who had waited months to file for divorce, brought money orders

for the filing fees to the clinic. Many of the clients had been separated from their spouses for years, but had only felt the need for a divorce relatively recently.

The lawyers who participated noted a profound sense of accomplishment in helping an individual client, who, without the lawyer, would have remained in need.

Maynard, Cooper plans other pro bono divorce clinics as well as a seminar on landlord/tenant law to be followed by a clinic. ■



Maibeth J. Porter

Maibeth J. Porter is a founding member and shareholder of Maynard Cooper & Gale PC. She currently serves on the Board of Directors of the Birmingham Bar Foundation and has served on the Board of Directors of the Birmingham Bar Association.

Porter was president of the BBA in 2003 and is a member of the ASB Board of Bar Commissioners. She has served on the ASB Character and Fitness Committee, which she also chaired. Porter is a member of the Supreme Court of Alabama's Standing Committee on the Alabama Rules of Civil Procedure.

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• PUBLIC INTEREST GROUP •

Alabama Appleseed Center for Law & Justice, Inc.

Organized in 1999, Alabama Appleseed added to the ever-emerging number of independent state advocacy centers affiliated with the Appleseed Foundation, founded in 1994, located in Washington, D.C. The mission of the Appleseed Foundation is to develop and help sustain a network of state advocacy centers that address local issues and to develop and promote practical solutions that will insure equal justice. Garnering its name-sake from the legendary Johnny Appleseed character, the work of Appleseed Centers focuses on sowing seeds, bearing good fruit, and assuring adequate provisions for all. Alabama Appleseed is a non-profit, non-partisan legal advocacy organization. Our mission is to identify root causes of injustice and inequality; namely, those practices, policies or other situations which advance an unfair and detrimental impact on the citizens of Alabama. We work for constructive and lasting systemic change of policies and practices and we are dedicated to creating a just and equitable society in Alabama and to improving the legal and social systems that serve Alabama's citizens. We research the issues, develop practical solutions, and advocate for positive change. We work in partnership with community leaders, other non-profit organizations, business, academia, and the legal and judicial communities. The organizing Board of Directors for Alabama Appleseed, formed in 1999, consisted of a number of prominent and well-known Alabamians, including former **Governor Albert P. Brewer**, former **Chief Justice C.C. Torbert, Jr.**, former **Justice Janie Shores**, **J. Mason Davis, Jr.**, and **Dean Kenneth Randall** of the University of Alabama School of Law. Governor Brewer, Chief Justice Torbert, J. Mason Davis, Gregory S. Cusimano, and Judge John England, Jr., remain on our Emeritus Board. Justice Shores is still an active, current member of our Board, along with the following individuals: **Nick Gaede**, Chair, Birmingham; **Dean John L. Carroll** of the Cumberland School of Law; **Max Cassady**, Fairhope; **Herman Cobb**, Dothan; **Bill Coleman**, Montgomery; **Patricia Diak**, Birmingham; **Bryan Fair**, Tuscaloosa; **Merceria Ludgood**, Mobile; **Davis Marsh**, Birmingham; **Sue McInnish**, Montgomery; **Dudley Reynolds**, Birmingham; **David Silverstein**, Birmingham; and **Judge Sharon Yates**, Montgomery.

In 2002, Alabama Appleseed began building a staff, when John Pickens became the Executive Director. In August

ALABAMA APPLESEED CENTER FOR LAW & JUSTICE

Organization Name: Alabama Appleseed Center for Law & Justice, Inc.

Mailing Address: P.O. Box 4864, Montgomery 36103-4864

Physical Address: 434 N. McDonough Street, Montgomery 36104

Phone number: (334) 263-0086

Are you a non-profit? Yes

Do you accept donations? Yes

Are donations tax-deductible? Yes

Do you provide direct client services? Very rarely

Brief description of services provided: Advocacy on public interest and public affairs issues particularly from a legal perspective

Program description: Advocacy on public interest and public affairs issues particularly from a legal perspective

2005, Shay M. Farley left private practice in Montgomery and joined the staff as an Advocacy Staff Associate, working on our various advocacy projects. In August 2006, Craig H. Baab, a lawyer and former chief governmental affairs officer for the American Bar Association in Washington, D.C., joined the staff as the Katrina Fellow, to work on the Appleseed collaborative project focused on the gulf coast states' response to Katrina evacuees.

Since our founding in 1999, the board has approved our advocacy efforts on a wide-range of issues, including: Small Business Health Insurance and Work Supports for Employees of Small Businesses; Living Wage/Self-Sufficiency Standards; Hispanic Financial Access; Judicial Election Reform; Payday Lending Reform; and Indigent Defense Reform. We often use volunteers from law firms, law schools, colleges and corporations to work with us in our public interest advocacy projects.

Recently, through the tireless efforts of advocates including Alabama Appleseed, Alabama Arise, the Southern Poverty Law Center, Legal Services Alabama, Alabama Watch, and Bob McCurley of the Alabama Law Institute, Alabama, finally, enacted its first modern and comprehensive residential landlord/tenant law. The law which addresses the rights and obligations of both landlords and tenants was passed during the 2006 fall legislative session and became effective, January 1, 2007. Presently, Alabama Appleseed is working with the aforementioned advocacy groups to draft and publish, for general distribution, educational materials explaining the new law.

We believe in our mission to build a more just society here in Alabama. We invite you to join us in this work and visit our website (<http://alabama.appleseeds.net/servlet/Center>) or to contact us directly, at 334/263.0086, for more information. ■

Alabama Department of Senior Services

• PUBLIC INTEREST GROUP •

Alabama Department of Senior Services

The Alabama Department of Senior Services (ADSS), formerly known as the Commission on Aging, was created in 1957. ADSS receives its primary funding under Title III of the Older Americans Act of 1965. ADSS consists of 41 employees and the executive director is Irene Collins.

ADSS strives to ensure that the objectives of the Older Americans Act are provided for all seniors in the state of Alabama. These objectives include adequate income in retirement, the best possible physical and mental health, suitable housing, adequate long-term care services, opportunity for employment, retirement in health, honor and dignity, participation in meaningful activities, efficient community services, benefit from research knowledge, and the freedom, independence and ability to plan and manage their own lives.

ADSS coordinates and oversees all services for seniors in the state of Alabama. These services are provided at the local level through 13 area agencies on aging. Services provided through the area agencies on aging include nutrition services, caregiver assistance, legal assistance, disaster relief, counseling, elderly and disabled waiver, and employment services.

Recently, a grant was awarded to ADSS to establish a legal assistance system to improve and expand the current delivery of legal services to better protect the rights and financial security of older Alabamians, enhancing their choice and independence. These services will be targeted primarily to those seniors in greatest social and economical need. A critical element in efforts to provide quality, comprehensive legal services to Alabama's low-income elders is ADSS's collaboration with Legal Services Alabama, Inc. (LSA), to establish the Elder Law Helpline in which seniors can call to obtain legal counseling and assistance. This will be a dedicated statewide toll-free helpline for seniors only. The helpline will be manned by staff trained in the special needs of seniors and extended hours will be offered for ease of access. Seniors may also submit questions by e-mail

ALABAMA DEPARTMENT OF SENIOR SERVICES

Organization Name: Alabama Department of Senior Services

Mailing Address: 770 Washington Avenue, Suite 470, Montgomery 36104

Physical Address: same

Phone number: (334) 242-5743

Are you a non-profit? State agency

Do you accept donations? No

Do you provide direct client services? No

Brief description of services provided: Services are provided at the local level through 13 area agencies on aging. Some of the services available are nutrition, caregiver assistance, legal assistance, disaster relief, counseling, employment services, and elderly and disabled waiver.

How do clients qualify for your services? Services are targeted primarily to seniors of greatest social and economic need.

Program description: Alabama Department of Senior Services coordinates and oversees all services for seniors in the state of Alabama. These services are provided at the local level through the 13 area agencies on aging. DSS consists of 41 employees and the executive director is Irene Collins. The mission of ADSS is to ensure that the objectives of the Older Americans Act are met regarding seniors.

through the helpline's Website. Additionally, a comprehensive Elder Legal Guidebook will be designed and published by ADSS and LSA. Copies will be made available to seniors on existing Websites as well as dissemination among the 13 regional Area Agencies on Aging and other community organizations. Extensive community outreach and educational events will be provided to seniors regarding their legal rights and interests so they may become self-advocates. The implementation of these legal services is expected to increase the number of seniors who receive statewide legal assistance and obtain elder rights information and assistance via phone, Website, training and information by 25 percent.

ADSS responsibilities include the collecting of facts and statistics, studying problems pertaining to conditions affecting the welfare of seniors, keeping abreast of developments in the field of aging and interpreting them to the public, providing exchange of ideas and information on national, state and local levels, reporting of activities to the Legislature and making recommendations for needed improvements as well as serving in an advisory role in regard to new legislation.

To obtain information about available services, ADSS may be reached at (334) 242-5743 or the department's Website may be accessed at www.ageline.net. ■

• PUBLIC INTEREST GROUP •

Alabama Disabilities Advocacy Program

When some people think of ADAP, they think of our work in special education. And that's right. When others think of ADAP, they think of our work in mental health and developmental disabilities issues. And that's right. Still when others think of ADAP, they think of our work in foster care reform. And that's right. ADAP does all those things and more.

The Alabama Disabilities Advocacy Program (ADAP) is part of the nationwide federally mandated protection and advocacy (P&A) system. ADAP's mission is to provide high quality legal advocacy services to Alabamians with disabilities to protect, promote and expand their rights. ADAP's vision is one of a society where persons with disabilities are valued and exercise self-determination through meaningful choices and equal opportunity.

Congress created the P&A system in 1975 in response to horrific reports of abuse and neglect suffered by persons with mental retardation housed in state institutions in cases such as *Wyatt v. Stickney*. The P&A system was charged with protecting this vulnerable population from such treatment. Governor George Wallace designated ADAP to the University of Alabama and ADAP began its work as Alabama's P&A in 1976.

In 1986, the mission of P&As was expanded to include advocacy on behalf of persons with mental illness who lived in psychiatric facilities. During the last twenty years, Congress expanded the work of the P&A system beyond its original purpose of addressing abuse and neglect of institutionalized persons. Through seven federally-funded programs, P&As such as ADAP address a broad spectrum of human and legal rights on behalf of persons with disabilities who live in institutions and in communities.

ADAP receives more than 10,000 requests for information or legal assistance each year. We are especially active in a broad range of children's issues such as:

- Special education
- Mental health

ALABAMA DISABILITIES ADVOCACY PROGRAM

Organization Name: Alabama Disabilities Advocacy Program (ADAP)

Mailing Address: Box 870395, Tuscaloosa 35487

Phone number: (205) 348-4928

Are you a non-profit? Yes

Do you accept donations? Yes

Are donations tax-deductible? Yes

Do you provide direct client services? Yes

Brief description of services provided: ADAP provides information and referral, individual case services, education/training as well as systemic advocacy.

How do clients qualify for your services? Based on disability, not income.

Program description: ADAP is the statewide legally based protection and advocacy program for the State of Alabama

- Foster care
- Juvenile justice

Likewise, we represent adults who are dealing with issues such as:

- Mental health and developmental disabilities
- Guardianship and forensic cases
- Medicaid
- Employment
- Housing
- ADA and related claims

While most of ADAP's work is achieved in individual cases, we have also been involved in a variety of important cases in the last ten years such as *Wyatt v. Sawyer* (mental health/retardation), *R.C. v. Walley* (foster care), and *Aris v. Allen* (prison conditions).

ADAP celebrated its 30th anniversary of serving Alabama in Fall 2006. We look forward to continuing our work with the Bar and the public to zealously protect the rights of all Alabamians with disabilities. ■

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| <input type="checkbox"/> GUARDIANSHIPS, CONSERVATORSHIPS | <input type="checkbox"/> OTHER _____ |

COMPLETE AND FAX TO (334) 261-6312

• PUBLIC INTEREST GROUP •

Alabama Law Foundation

“Promoting access to justice and respect for and understanding of the law” is the mission statement of The Alabama Law Foundation (ALF). Before ALF there was only the Alabama State Bar Foundation. Its job was to own and pay for the state bar building. Its narrow charter prevented it from being a charitable vehicle through which Alabama’s lawyers could serve the public good. The Alabama Law Foundation was established in 1987 as the recipient of funds from the Interest on Lawyers Trust Accounts (IOLTA) program.

The Alabama Law Foundation makes grants for law-related public service projects and awards several endowed scholarships. Since 1989 the foundation has awarded \$12.8 million in grants of which \$7.9 million, or 62%, has been awarded to Legal Services Corporation funded providers and pro bono programs throughout the state. \$3.7 million, 29%, has been awarded to projects to improve the administration of justice. The remainder has been awarded for law-related education for the public and to local law libraries. A grants committee composed of 12 members, both lawyers and non-lawyers, carefully researches the proposals that are submitted and makes recommendations to the board as to which projects should be funded and at what levels.

The majority of the foundation’s revenue comes from the IOLTA program. However, in 2001 interest rates began to drop and revenue went from a high of \$1.2 million in 1999 to \$287,674 in 2004. That year ALF made some tough decisions regarding its finances because we had no way of knowing when the Federal Reserve Board would begin raising interest rates again. We went from two employees to one and one half. More significantly, we stopped using money from reserves built up in good times to make grants in the bad times and established an endowment with the remaining \$1 million of reserve funds. We now award grants each December based on the amount of IOLTA revenue over expenses at the end of our March 31 fiscal year as well as earnings from our endowment. In 2004 ALF awarded its lowest amount of grants ever, \$118,000. However, we awarded \$249,000 for 2006 and expect to award \$364,000 for 2007.

To build the endowment to secure its future, ALF has established the Atticus Finch Society, named for the character in Harper Lee’s novel *To Kill a Mockingbird*. The initial goal of the society is to double the foundation’s endowment from \$1 million to \$2 million through a \$10,000 commitment from 100 Atticus Finch Society charter members. Atticus Finch Society pledges are payable

ALABAMA LAW FOUNDATION

Organization Name: Alabama Law Foundation

Mailing Address: P. O. Box 671, Montgomery 36101

Physical Address: 415 Dexter Ave., Montgomery 36104

Phone number: (334) 269-1515

Are you a non-profit? Yes

Do you accept donations? Yes

Are donations tax-deductible? Yes

Do you provide direct client services? No

Program description: We award grants for law-related public service projects, primarily to organizations that provide services to individual clients in civil cases. We also give grants for projects to improve the administration of justice.

over three years. For information on becoming a member contact Tracy Daniel at (334) 269-1515.

Alabama has 763,000 citizens living at or below the poverty level, which is approximately 191,272 families. According to past American Bar Association studies each poor family has on average 1.1 legal needs per year, or 210,399 overall. In 2005 Alabama’s civil legal aid providers assisted 8,278 families with their legal needs. The poverty level is just under \$20,000 for a family of four and therefore many cannot afford to hire private attorneys.

It is the foundation’s goal to help close the gap between those receiving legal assistance and those who need it. To do so, we need to increase financial resources to organizations serving the poor. Alabama ranks 51st in the country—behind even Puerto Rico—in spending on civil legal aid for the poor. Our staffed legal services program needs funding to hire and retain competent staff to serve clients as well as case management technology to help them more efficiently manage cases. Our volunteer lawyers programs need funding for staff to help screen and refer cases to private attorneys who have so generously volunteered to provide free legal assistance to low-income people.

The foundation believes that citizens of our state deserve access to justice regardless of their financial means. Through our grant making policies we will work to ensure that clients receive high quality legal assistance. We owe this not only to our donors, but to those clients served by our grantees. ■

• PUBLIC INTEREST GROUP •

Alabama State Bar Volunteer Lawyers Program

The Volunteer Lawyers Program (VLP) is a project of the Alabama State Bar. Its purpose is two fold. We provide free legal services to low-income Alabamians in civil matters and provide you a simple, well organized mechanism for fulfilling your professional responsibility to make legal counsel available to indigents consistent with a true sense of professionalism and Rule 6.1 of the Alabama Rules of Professional Conduct.

The VLP provides pro bono legal services in civil, non-fee-generating matters. Our clients include low-income persons who cannot afford an attorney's fee—*An elderly couple threatened with eviction from their apartment, a young woman with small children seeking child support, a couple overwhelmed by medical bills trying to save their home from foreclosure, a terminally ill parent trying to prepare for his children's future*—these are just a few of the difficulties that can spring up in a person's lifetime. For an attorney with the skills to navigate the system, these are not difficult challenges. For the person with no financial resources and a limited understanding of the options, they are overwhelming crises. Just a little of your time can make a major difference. By contributing even a small amount of your expertise, you could solve the life-shattering legal problems that confront many of the low-income persons living in your community.

For new attorneys the Volunteer Lawyers Program allows you to gain excellent client and courtroom experience since you are fully in charge of their pro bono cases. For more seasoned attorneys, program participation provides an avenue for sharing expertise with newer members of the profession by serving as mentors. Most important of all, VLP volunteer attorneys gain great personal satisfaction from helping the less fortunate and from making a positive, visible difference in their communities. I think our clients say it best:

"I finally got my kids for a weekend visit after a court visit. I am grateful for what my VLP attorney did for me. Thank God for people like yall to help the little people. I did not have funds enough for a lawyer but I had to try something, my kids needed to see me."

ALABAMA STATE BAR
VOLUNTEER LAWYERS PROGRAM

Organization Name: Alabama State Bar Volunteer Lawyers Program

Mailing Address: P.O. Box 671, Montgomery 36101

Physical Address: 415 Dexter Avenue, Montgomery 36104

Phone number: (334) 269-1515

Are you a non-profit? No

Do you accept donations? Yes

Are donations tax-deductible? No

Do you provide direct client services? Yes

Brief description of services provided: The VLP provides free legal services to low income individuals through private attorney volunteers.

How do clients qualify for your services? Clients must meet eligibility guidelines for subject matter and financial need, income must be below 125% of the federal poverty level.

Program description: The Alabama State Bar Volunteer Lawyers Program is a program of the Alabama State Bar established by the Borad of Bar Commissioners in 1990. The VLP provides free legal services to low-income individuals in civil matters and provides members of the Alabama State Bar with a simple well-organized way to fulfill their professional obligation to make legal counsel available to indigents.

"My Volunteer Attorney was the best lawyer anyone could have, there was never a moment I felt mistreated. You are all so kind may God bless all of you."

Although helping others in trouble is often its own reward, VLP volunteer attorneys also receive recognition for their service through the pro bono honor roll and annual awards given by the Alabama State Bar, special events spotlighting community pro bono activities, articles in the Alabama State Bar publications, and free training seminars for CLE credit.

The Volunteer Lawyers Program continues to grow and provide more services to indigent clients. With our volunteers from the private bar we strive to represent those who might have otherwise gone unrepresented. If you wish to join us in achieving this goal please complete the registration form in this issue of *The Alabama Lawyer*, or on line at www.alabar.org. ■

Arise Citizens' Delivery Project

• PUBLIC INTEREST GROUP •

Arise Citizens' Policy Project

Our most vulnerable neighbors are hurting—and we can do something about it. That’s the belief that drives Arise Citizens’ Policy Project (ACPP), a non-partisan coalition of 140 congregations and community groups promoting fairer state policies for low-income Alabamians since 1994. Our sister organization, Alabama Arise, was founded in 1988 as a citizens’ lobby that equips Alabamians to speak out to state policymakers on poverty issues. The ACPP staff, headquartered in Montgomery, comprises an executive director, four community organizers, three policy analysts, a development director and a communications director.

ACPP’s policy work begins and ends with community participation. During the summer months, staff organizers hold listening sessions around the state to identify concerns facing low-income Alabamians. At the coalition’s annual meeting in September, member groups review these concerns and set an issue agenda that guides staff activity for the coming year. The priority issues for 2007 are Medicaid reform, environmental justice, constitutional reform, tax reform, campaign finance reform, public transportation and a moratorium on executions. In the months leading up to the spring legislative session, ACPP policy analysts research these priority issues and develop recommendations for policymakers. The organizers then return to the field, educating constituents on the issues and recruiting people to share our agenda with lawmakers and editors. All of this activity reflects the core ACPP belief that low-income Alabamians deserve a well-informed voice in shaping the policies that affect their lives.

The work of ACPP also reaches beyond our membership. In 2005, we partnered with VOICES for Alabama’s Children to publish *The Alabama Tax & Budget Handbook*, which received editorial endorsements from all major papers in the state. *The Montgomery Advertiser* called it “surely one of the finest examples of public service in Alabama history.” We used the handbook to educate the public—and public officials—on how our tax system works, how it compares with those of other states, and how we could improve it. One theme running through the handbook is that Alabama shouldn’t tax people deeper into poverty. We can’t claim all the credit, but by the time the Legislature convened in January 2006, Alabama’s \$4,600 income tax threshold—the

ARISE CITIZEN'S POLICY PROJECT

Organization Name: Arise Citizens’ Policy Project

Mailing Address: P.O. Box 1188, Montgomery 36101

Physical Address: 207 Montgomery Street, Suite 810, Montgomery 36104

Phone number: (334) 832-9060

Are you a non-profit? Yes

Do you accept donations? Yes

Are donations tax-deductible? Yes

Do you provide direct client services? No

Brief description of services provided: Community organizing, research and education on state policies affecting low-income Alabamians

Program description: ACPP is a non-profit, non-partisan coalition of 140 congregation and community groups that promotes fairer state policies toward low-income Alabamians through research and education.

lowest in the nation—was the talk of the State House. In April, lawmakers passed a bill raising the threshold to \$12,600, and the Governor signed it into law. ACPP staff and members will continue to use the handbook—now updated—to raise awareness about Alabama taxes and budgets and the need for further reform.

Also in 2006, we worked with the Alabama Law Institute, Alabama Appleseed, Alabama Watch and the Southern Poverty Law Center to pass a landlord-tenant law. With this compromise legislation, hammered out in lengthy negotiations with the Realtors Association, Alabama loses its distinction as the only state failing to offer tenant protections. In late 2006, ACPP partnered with Appleseed and Legal Services Alabama to publish *The Alabama Tenants’ Handbook* explaining all aspects of the new law and offering general advice for renters.

ACPP’s greatest organizational strength is the experience of our 140 member groups. We continue to marvel that a Deep South state could have 140 congregations and community groups that agree that people are suffering because of policy decisions, that state budgets for health care, child care and education should increase, and that ordinary Alabamians can make a difference. ■

• PUBLIC INTEREST GROUP •

Birmingham Volunteer Lawyers Program, Inc.

The Birmingham Volunteer Lawyers Program, Inc. (BVLP) was established in 1995 to provide free legal assistance to the low-income citizens of Jefferson County through referral of non-emergency civil cases to volunteer private attorneys. The BVLP is staffed with a part-time director, Debra W. Jenkins, contract services help, Cumberland School of Law externs and other volunteers. We recruit private attorneys to join the BVLP and accept up to two cases per year without payment (pro bono) or serve as mentors to less experienced volunteer attorneys. We have grown to a membership of over 600 volunteer attorneys. In 2005, we handled over 248 cases. We also offer an externship program that allows law student volunteers from Cumberland School of Law to gain legal experience through their service at the BVLP. The BVLP sponsors seminars every year to show appreciation to our volunteer attorneys and to train them to better serve our clients. Each volunteer attorney can earn up to 12-hours of CLE credit, free of charge, by attending our trainings. Board members Anne W. Mitchell and Timothy M. Lupinacci assist in designing the probate law and bankruptcy law trainings.

An example of a recent success story concerns the purchase of a used car by one of our clients. This client had serious health problems that required frequent transportation for medical care. Due to our client's illness, he was unable to continue paying for the car and it was repossessed. Volunteer panel attorney John A. Earnhardt of Maynard Cooper & Gale, PC negotiated the return of \$900 to our client, which represented the majority of the money he had paid for the used car.

Many supportive people and organizations donate their time, expertise and money to help make the BVLP a success. We thank the following board members for their support and assistance: LaVeeda M. Battle, Robert A. Jones, Jr., Anne W. Mitchell, Timothy M. Lupinacci and past board member and president, Douglas I. Friedman. We would like to thank the Birmingham Bar Foundation for their financial support, the Birmingham Bar Association for providing us free office space and receptionist services, the Alabama Law Foundation for their past financial support and other assistance and Legal Services Alabama for their financial support and intake assistance. We thank the law firm of Adams and Reese/Lange Simpson, LLP for their annual donation of \$2,500 and the law firm of Maynard

**BIRMINGHAM
VOLUNTEER LAWYERS PROGRAM, INC.**

Organization Name: Birmingham Volunteer Lawyers Program, Inc.

Mailing Address: 2120 2nd Avenue North, Birmingham 35203-3703

Physical Address: Birmingham Bar Center

Phone number: (205) 250-5198

Are you a non-profit? Yes

Do you accept donations? Yes

Are donations tax-deductible? Yes

Do you provide direct client services? Yes

Brief description of services provided: We provide free legal services to about 300 low-income citizens in the Jefferson County area (except the Bessemer Cut-off) during the year. We provide these services through referral of cases to BVLP panel attorneys and through pro bono clinics co-sponsored with local law firms. We provide 12 hours of free CLE training to our panel attorneys, or to those private attorneys who wish to join the BVLP. We also provide opportunities to extern students from Cumberland Law School.

How do clients qualify for your services? Clients are first screened and found eligible by Legal Services staff according to the national poverty guideline.

Program description: The BVLP is a 501(c)(3) non-profit corporation that provides free legal services to the low-income citizens in the Jefferson County area through referrals of non-emergency cases to local volunteer panel attorneys.

Cooper & Gale, PC for their annual donation of \$1,500. Several other law firms and individuals have made smaller donations and we also thank them for their support. We also thank the local judges and attorneys who have served on many occasions as trainers in our annual CLE training events, including Judge J. Gary Pate, Judge Allan King, Judge Tamara Mitchell, Judge J. Russell Hoover, Robin Burrell, Rick Fernambucq, Robert Lusk, Ted Stuckenschneider, Suzanne Shinn, and D. Sims Crawford.

Even with the efforts of all those mentioned above, the BVLP is in need of more volunteer panel attorneys and additional financial support. If you want to become a volunteer panel attorney or donate funds to the BVLP, please contact Debra W. Jenkins at the Birmingham Bar Center, 2021 2nd Avenue North; telephone (205)250-5198 or birminghamvlpinc@bellsouth.net. ■

• PUBLIC INTEREST GROUP •

Equal Justice Initiative of Alabama

Since 1989, the Equal Justice Initiative of Alabama (EJI) has provided legal assistance to the poor, imprisoned and condemned. EJI has developed a national reputation for effective legal advocacy and innovative community education and legal training programs. EJI has won relief for dozens of death row prisoners, established important legal precedents through litigation in state and federal courts in the Deep South, as well as in the United States Supreme Court, and provided aid to scores of imprisoned people facing unjust confinement.

Providing Legal Assistance to Death Row Prisoners and Capital Defendants. Alabama is the only state in the country without a state-funded program to provide legal assistance to death row prisoners. In the last several years, Alabama has sentenced more people to death per capita than any other state in the country. Two-thirds of the nearly 200 people currently under sentence of death in Alabama were represented at trial by appointed counsel whose compensation for out-of-court preparation was capped by law at \$1000. Alabama is the only state in the country that allows elected state court judges to override jury verdicts of life imprisonment and impose death sentences without any limiting standard. Over 20% of all death sentences are imposed as a result of judge override.

EJI has provided legal representation to over 170 death row prisoners and won new trials, reduced sentences or exoneration in dozens of cases. EJI produces the ALABAMA CAPITAL POSTCONVICTION MANUAL, the ALABAMA CAPITAL DEFENSE TRIAL MANUAL, the EJI LEGAL QUARTERLY and the recently introduced LEGAL UPDATE for scores of attorneys who provide legal representation to capital defendants and death row prisoners. EJI hosts training programs for lawyers, operates a clinical training program for law students and issues reports on capital punishment and related issues.

Challenging Excessive and Harsh Punishments. EJI has recently succeeded in obtaining relief for dozens of non-violent offenders who were sentenced to life imprisonment without parole (LWOP) as a result of Alabama's notorious Habitual Felony Offender Act. The law mandates an LWOP sentence for a fourth felony even if it is a non-violent crime like stealing a bicycle, writing a bad check or drug possession. Through successful litigation in the Alabama Supreme Court and in trial courts across the state, EJI has assisted non-violent offenders who have been unfairly condemned to die in prison. As a result of EJI's efforts, many have now won their freedom.

EJI has recently launched a campaign to abolish life imprisonment without parole for young children who have been convicted of violent crimes. There are dozens of 13- and 14-year old children who have been condemned to die

EQUAL JUSTICE INITIATIVE OF ALABAMA

Organization Name: Equal Justice Initiative of Alabama (EJI)

Mailing Address: 122 Commerce Street, Montgomery 36104

Physical Address: Same

Phone number: (334) 269-1803

Are you a non-profit? Yes

Do you accept donations? Yes

Are donations tax-deductible? Yes

Do you provide direct client services? Yes

Brief description of services provided: We provide legal assistance to condemned prisoners on death row and to those sentenced to excessive and harsh terms of imprisonment, juveniles, the mentally ill and others unfairly convicted. We also provide training to lawyers and law students and document the need for criminal justice reform.

Program description: The Equal Justice Initiative of Alabama (EJI) is a private, non-profit law project that provides assistance to the poor, people of color and the disadvantaged who must confront unfair administration of criminal justice.

in prison as a result of LWOP sentences. Through litigation efforts, EJI has taken on the cases of several imprisoned people who have been unfairly or wrongly sentenced to LWOP. Challenging excessive and harsh sentencing policies has become a central concern at EJI.

Confronting Racial Bias and Helping the Poor in the Criminal Justice System. During the last 30 years, mass incarceration policies have devastated poor and minority communities. Disenfranchisement of offenders and the erection of permanent barriers for employment and re-entry have created a growing underclass of largely poor people. EJI is committed to challenging racially discriminatory policies, sentencing and tactics that have made mass imprisonment a crisis in many communities of color. Indigent defense reform and providing legal assistance to the poor is vital to alleviate the problems caused by unfair criminal justice policies. Through education, community outreach efforts, litigation and policy reform, EJI attempts to address some of these issues.

Community Education and Legal Training Programs. EJI has recently introduced a community education effort aimed at underserved communities in the Deep South that focuses on human rights education and details the problems of the poor and people of color in the criminal justice system. With films, handouts, discussion groups and other outreach, we hope to educate and empower community members to reshape the debate on crime and social policy in this country.

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• PUBLIC INTEREST GROUP •

Legal Services Alabama, Inc.

A young couple with a toddler at home, each parent working two minimum wage jobs, with no healthcare insurance, facing the costs of a catastrophic illness—and potential homelessness as result. A disabled woman with no living family members in subsidized housing facing eviction because of her “housekeeping.” Elderly hurricane victims preyed on by unscrupulous contractors live for more than a year in a tiny, dark aluminum trailer next to their “home—still only a pile of unlivable rubble. A bruised and battered woman too scared to leave her abusive husband because she is afraid she will lose her children—because she has no money of her own to feed, house and clothe them. These are the kinds of clients Alabama’s statewide legal aid provider, Legal Services Alabama, sees every day.

Legal Services Alabama (LSA) is a statewide non-profit organization created in February 2004 as the result of a merger of three organizations with decades of history in Alabama: Legal Services of North Central Alabama, Legal Services of Metro Birmingham and Legal Services Corporation of Alabama. LSA’s 70 dedicated attorneys and paralegals located in 11 offices and four integrated regional call centers throughout Alabama provide free, high-quality legal assistance in civil matters to low-income individuals, families and communities. In 2006, LSA closed more than 9,000 cases. Yet, according to the Alabama Poverty Project’s 2005 Picture of Poverty, there are more than 915,000 Alabamians who live at 125 percent of the federal poverty level and are financially eligible for LSA’s services. One quarter of those in poverty in Alabama are children; 15 percent are over the age of 65.

LSA is able to resolve many client issues outside the courtroom with a phone call or letter from a staff attorney or through negotiation, helping to lessen the load on Alabama’s judicial system. When LSA attorneys do go to court with clients, clients are not appearing *pro se* who otherwise might be. LSA also practices “preventative law”—educating community groups on their rights and responsibilities in order to prevent individuals from getting into situations which might require access to the judicial system to resolve.

LSA’s intervention and involvement complements the efforts of family shelters, law enforcement, social services, mental health, and other agencies. LSA collaborates with the Alabama Coalition Against Domestic Violence and local domestic violence shelters, is involved in local homelessness and affordable-housing coalitions and works closely with dozens of nonprofit organizations, community colleges, universities and law schools and with local and state government agencies across Alabama. This makes LSA an important community partner in the effort to provide families the means to break the cycle of poverty or violence in order to reach or return to a safe, stable, productive existence.

LSA also works in close partnership with Alabama’s volunteer lawyer programs (VLPs), doing the initial client eligibility

LEGAL SERVICES ALABAMA, INC.

Organization Name: Legal Services Alabama, Inc.

Physical Address: Headquarters office: 207 Montgomery Street, Ste. 1250, Montgomery 36104. See www.alsp.org/AL for locations and phone numbers of offices statewide

Are you a non-profit? Yes

Do you accept donations? Yes

Are donations tax-deductible? Yes

Do you provide direct client services? Yes

Brief description of services provided: Free civil legal assistance to qualified, low income individuals, families and groups as well as the elderly, victims of family violence and victims of hurricanes Katrina, Rita and Ivan; focused on critical legal needs in the areas of family law, housing, public benefits, consumer and community economic development. Also provides community legal education

How do clients qualify for your services? Must be low-income with a critical/basic survival legal need that fits into program priorities.

Program description: Statewide non-profit, 11 local offices, four integrated call centers (disaster/Spanish speakers legal hotlines; elder rights hotline in 2007); substantive law practice groups in the areas of family/dv, housing, public benefits, consumer and community economic development. 27-member geographically-diverse board of directors composed of one-third client-eligible members and two-thirds attorneys.

screening and intake on behalf of the Alabama State Bar, Birmingham Bar and Madison County programs. LSA also provides critical financial support to all four of Alabama’s volunteer lawyer programs, including the Mobile County Bar VLP.

After Hurricane Katrina, LSA launched a Disaster Hotline Network to supplement the Disaster Hotline operated by the ASB Volunteer Lawyers Program and Young Lawyers’ Section. Using an innovative, integrated phone technology infrastructure allowed LSA’s hotline to be accessible more evening and weekend hours than any other disaster legal assistance hotline in the country. LSA’s hotline staffing infrastructure was used to launch a legal hotline for Spanish speakers (in partnership with the Alabama State Bar and other organizations) in March 2006. In 2007, LSA will launch a toll-free elder rights hotline in partnership with the Alabama Department of Senior Services.

Legal Services Alabama’s largest single funder is the Legal Services Corporation (LSC), a private, non-profit corporation established in 1974 and funded through congressional appropriation. LSC does not provide legal services directly but grants funds to independent programs like Legal Services Alabama selected through a system of competitive bidding. Because LSA receives funding from LSC, it is subject to oversight by the LSC Office of Inspector General. LSA must undergo annual independent compliance and financial audits and is expected to follow guidance for program effectiveness included in the LSC Performance Criteria and the ABA

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Madison County Volunteer Lawyers Program

• PUBLIC INTEREST GROUP •

Madison County Volunteer Lawyers Program

This year the Madison County Volunteer Lawyers Program will have been in operation for twenty-five years. A silver anniversary!

One of the first organized pro bono programs in the state of Alabama, the program has seen many changes in the course of our silver anniversary. The biggest change has been from our operation as a lawyer referral service with a pro bono component, to a strictly volunteer pro bono program. Formerly we were known as the Lawyer Referral and Information Service of Madison County, Inc. We are now the Madison County Volunteer Lawyers Program. We have also unfortunately seen changes in funding, number of panel members, staff, and hours of operation. What has *not* changed is *need*.

Twenty-five years ago or today, our program still receives more requests for pro bono services than we have the ability to handle. We have and continue to have a dedicated core of committed and hardworking attorneys participating in the program, but again, the need is still there.

If you are not currently participating in the Madison County Volunteer Lawyers program, please consider it today. Even forgetting that we each have an obligation to provide pro bono services, you cannot ignore the personal satisfaction in knowing that you have had a part in making legal representation accessible to someone who may not have had the opportunity for representation as well as possibly improving their quality of life. It is easy to say it does not matter what we do because the need will always be there, but as director of the program, and as many of our participating attorneys will tell you, it does matter. They are making a difference everyday in the lives of these clients. They may be the advocate in ending an abusive marriage, in helping a family retain their home, or finding relief from debt and other consumer issues. One attorney reported that in completing an adoption for grandparents of a child, that he not only had helped the child to thrive, but had really become a mentor of the teenage mother of the child by encouraging the mother and helping her with entry into college.

The process to become a member of the Madison County Volunteer Lawyers Program is easy. Call the office

MADISON COUNTY VOLUNTEER LAWYERS PROGRAM

Organization Name: Madison County Volunteer Lawyers Program

Mailing Address: P. O. Box 2913, Huntsville 35804

Physical Address: 2000-C Vernon Avenue, Huntsville 35805

Phone number: (256) 539-2275

Are you a non-profit? Yes

Do you accept donations? Yes

Are donations tax-deductible? Yes

Do you provide direct client services? Yes

Brief description of services provided: Referral of income-eligible clients for free legal services in specific areas of law

How do clients qualify for your services? Referred to the program after being screened for income eligibility by Legal Services Alabama

Program description: After being screened for income eligibility by Legal Services Alabama, eligible clients are then referred to our program. We place the client with a volunteer attorney who has indicated he/she will accept referrals in that area. We ask that each attorney perform a minimum of two civil cases per year or 20 hours of service, whichever comes first.

or e-mail us for a membership form and tell us the area(s) of law in which you would like to receive referrals. A client will be referred to you by our program only after being screened for income eligibility by Legal Services Alabama, Inc. These problems may range from divorce, adoption and other family law matters, bankruptcy, the need for a will, or other minor legal issues. We ask for a commitment of two civil case referrals or a total of twenty hours of legal work per year from our participating attorneys. A small commitment for what could be a great service to an individual in need.

Our goal in this silver anniversary year is to make it the best year yet in terms of participation and aiding our clients. Just like a marriage, it will require commitment and time, but if you help, the rewards could be great! ■

LEGAL SERVICES ALABAMA, INC. (Continued from page 60)

Standards for the Provision of Civil Legal Aid. LSA also competes for scarce financial resources like any other non-profit, conducting fundraising campaigns and submitting grant requests to local, regional, state and national funders and foundations.

What do low-income Alabamians face when LSA is not there to help them? They face homelessness, child and elder abuse and neglect and—for victims of domestic violence—sometimes even death.

What does it cost us when civil legal aid is not there for Alabamians and justice is just for those who can afford it? It costs us as taxpayers. Without the safety net of legal aid to

bridge the gap in a crisis, more of our neighbors teetering on the edge of self-sufficiency will drop off the edge of the cliff to reliance on government benefits. It costs us as people of faith. When Francis Bellamy, a Baptist minister, wrote the original Pledge of Allegiance in 1892 he concluded it with the words, “with liberty and justice for all.” It costs us as a civilized nation. The twin concepts of equal justice and of access for all to the courts of our land are among the founding principles of this country. In the words of Federal Judge Learned Hand, “If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice.” ■

• PUBLIC INTEREST GROUP •

Mobile Bar Association Volunteer Lawyers Program

The Mobile Bar Association Volunteer Lawyers Program has provided free legal service and advice to low-income citizens since 1989. It was the first volunteer lawyers program in Alabama, and it continues to thrive due to the strong support from the Mobile legal community. Over the past 17 years, the program has grown dramatically in both the number of clients served and the number of attorneys who participate by donating their time and resources to the program. Over 600 lawyers—about half the attorneys in Mobile—volunteer their time and services *pro bono* to the Volunteer Lawyers Program and its clients. A good number of those attorneys and area law firms also contribute financially to support the program’s operating budget.

The MBA Volunteer Lawyers Program employs three full-time staff: an executive director, an intake specialist, and an administrative assistant. The executive director and her staff screen clients for eligibility and assign cases to the volunteer attorneys. The VLP assigns cases to volunteer lawyers on a rotating basis. Some lawyers come into the VLP office and interview clients who have made appointments through the program; other lawyers accept case referrals by telephone based on their skills and experience and the specific needs of clients. Cases range from family law issues to guardianships and conservatorships to landlord/tenant disputes. Volunteer attorneys have also assisted victims of recent hurricanes with insurance claims and other related issues. In recent years, the Volunteer Lawyers Program has referred out about 500 cases a year.

The Mobile VLP recognizes the top volunteer lawyers each year with awards at one of the local bar association’s monthly meetings. The program also maintains an “Honor Roll” of law firms which are 100 percent *pro bono*, that is, all of their lawyers participate as volunteers. The Mobile VLP sponsors a continuing legal education seminar each

MOBILE BAR ASSOCIATION VOLUNTEER LAWYERS PROGRAM

Organization Name: Mobile Bar Association Volunteer Lawyers Program

Mailing Address: 107 St. Francis Street, Suite 2102, Mobile 36602

Physical Address: 2102 AmSouth Bank Building

Phone number: (251) 438-1102

Are you a non-profit? Yes

Do you accept donations? Yes

Are donations tax-deductible? Yes

Do you provide direct client services? Yes

Brief description of services provided: Volunteer lawyers provide pro bono assistance to low-income citizens of Mobile County in critical types of civil matters.

How do clients qualify for your services? Clients must meet guidelines for residency, subject matter and financial eligibility (income below 125 percent of the federal poverty level).

Program description: The Mobile Bar Association Volunteer Lawyers Program was established in 1989 and currently has 625 participating attorneys—over half of the local bar membership. The program has three full-time staff who handle intake and referral of cases.

year on poverty law topics, and the VLP director speaks frequently to social workers and community groups to let them know about the program’s services and the good work local lawyers are doing. The program is in the process of developing a short video which it can use to inform the public about its mission and services.

The Mobile VLP is a 501(c)(3) charitable organization and is a United Way agency. It is funded by Legal Services Alabama, United Way, the Mobile Bar Foundation, the Alabama Bar Foundation, and the generous contributions of Mobile lawyers and law firms. ■

EQUAL JUSTICE INITIATIVE OF ALABAMA (Continued from page 59)

EJI additionally brings law students and lawyers together at training programs that are designed to improve the quality of legal aid to the poor in underserved areas.

EJI believes that the character of a society must be judged by how we treat the poor, the disadvantaged, the imprisoned and the disfavored. The commitment to equal justice requires tremendous improvements in the current plight of the poor and people of color in the criminal justice system. For more information about EJI, please visit our website at www.eji.org. ■

• PUBLIC INTEREST GROUP •

Southern Poverty Law Center

Hundreds of exploited workers brought to New Orleans to clean up and rebuild the city after Katrina are now collecting the back wages due them. In two Louisiana parishes, children with special educational needs are finally getting the services they need to be successful in school. And in Alabama, mentally ill prison inmates, formerly warehoused and neglected, are receiving proper care in a humane environment.

These are examples of the effectiveness of the Southern Poverty Law Center's litigation and advocacy efforts.

Founded as a small civil rights law firm in 1971 by Montgomery lawyers Morris Dees and Joe Levin, the Center today is internationally known for its tolerance education program, its legal victories against white supremacist groups, its tracking of extremism in the United States and its sponsorship of the Civil Rights Memorial.

When Dees and Levin created the center, their mission was to win equal rights for the poor and minorities by taking high-impact, high-risk cases that other lawyers had neither the willingness nor the resources to tackle.

In the decades since then, the practice of law at the center has been characterized by the same imagination, daring and dogged persistence that marked its beginning. Center attorneys have fought segregation, protected society's most vulnerable members, and battled hate groups whose followers have violated the rights of others.

The center prides itself on handling pioneering lawsuits, some taking years to complete. Many of these cases have resulted in landmark rulings.

In a series of successful lawsuits, the center's legal staff developed novel strategies to shut down white supremacist paramilitary activity and to help victims of hate crimes win monetary damages against groups like the Klan and the Aryan Nations. These cases have toppled many of the nation's most notorious hate groups.

The center has also litigated scores of civil rights cases in other areas of the law—cases on behalf of minorities, women, factory workers, poor people in need of health care, average citizens suffering under the yoke of unfair tax

SOUTHERN POVERTY LAW CENTER

Organization Name: Southern Poverty Law Center

Mailing Address: 400 Washington Avenue, Montgomery 36104

Physical Address: Same

Phone number: (334) 956-8200

Are you a non-profit? Yes

Do you accept donations? Yes

Are donations tax-deductible? Yes

Do you provide direct client services? No

Program description: Southern Poverty Law Center lawyers handle strategically chosen class-action lawsuits, primarily in the areas of education, juvenile justice and immigrant rights.

practices, mentally ill persons, children in foster care, prisoners facing barbaric conditions of confinement, immigrant workers cheated of wages, and many other victims of injustice.

Today, the center continues to handle strategically chosen class action lawsuits, primarily in the areas of education, juvenile justice and immigrant rights.

In 2004, it launched one of the boldest initiatives in its history, the Immigrant Justice Project (IJP), created to ensure that the rights of immigrant workers are protected in the southeastern states. The project focuses on the rights of a population routinely exploited and for whom few legal resources are available. IJP is currently litigating several federal class actions on behalf of farmworkers in Georgia, pine tree planters throughout the South and hotel workers in New Orleans.

In Alabama, Louisiana and Mississippi, combining advocacy, litigation and training, center legal staffers are working to reform those states' broken juvenile justice systems. They are also working to ensure that youths with special educational needs get the services they are entitled to so they will not end up in the juvenile justice system. ■

• PUBLIC INTEREST GROUP •

In 1970, Frank Samford, III, with the help of newly-licensed attorney Bill Dawson and at the initiative of then third-year law students Jim Blacksher and Larry Menefee, obtained a small grant from the state to start the first law clinic program at The University of Alabama School of Law. The clinic's first cases were typical poverty law cases, mostly domestic relations and landlord-tenant, although it did manage to sue the state agency that provided its initial funding, with the predictable result that the grant was terminated. Nevertheless, an alternate source of funding was found, and today that small program has grown to encompass six law clinics and up to 60 students each semester, all housed in a new 11,500 square foot state-of-the-art law office in Tuscaloosa.

The law school's law clinics all have dual goals: to provide hands-on training in the professional skills and values needed for the successful, ethical practice of law and to provide free legal assistance to needy residents and non-profit or governmental organizations in Alabama. Training in professional skills and values is accomplished by placing the law clinic student, as much as possible, into the role of attorney on the case under the close supervision of experienced law school faculty. Thus, with the client's consent and as allowed under the state's student practice rule, students are the primary or "first chair" attorneys on most cases. As student attorneys, they are given responsibility for client interviewing and counseling, case planning and management, factual investigation, legal research, drafting pleadings, briefs and other legal documents, negotiations, alternative dispute resolution, settlement, and trial and appellate advocacy. In the process of taking responsibility for actual cases, students move from observers to participants in the legal system and learn to integrate substantive law, procedures, and ethics with the professional skills needed for all aspects of their professional lives.

The law school's six law clinics, the Civil Law Clinic, Elder Law Clinic, Criminal Law Clinic, Capital Defense Law Clinic, Community Development Law Clinic, and Domestic Violence Law Clinic, provide free legal assistance to a wide range of clients on an assortment of cases.

UNIVERSITY OF ALABAMA SCHOOL OF LAW
CIVIL LAW CLINIC

Organization Name: Civil Law Clinic-The University of Alabama School of Law

Mailing Address: P.O. Box 870392, Tuscaloosa 35487-0392

Physical Address: The University of Alabama School of Law, 101 Paul Bryant Drive, Tuscaloosa 35401

Phone number: (205) 348-4960

Are you a non-profit? Yes

Do you accept donations? Yes

Are donations tax-deductible? Yes, through the University of Alabama Law School Foundation.

Do you provide direct client services? Yes

Brief description of services provided: The Civil Law Clinic provides free legal assistance on civil matters to University of Alabama students and members of the community.

How do clients qualify for your services? By contacting the clinic and setting up an intake interview at (205) 348-4960

Program description: The University of Alabama School of Law's Civil Law Clinic provides free legal assistance on a full range of civil matters and certain municipal infractions to University of Alabama students and to others on a referral basis. Through its student attorneys, the Civil Law Clinic provides free legal advice and services on matters such as: landlord/tenant disputes; employment concerns; contract issues; automobile accidents; insurance claims; consumer complaints; financial and debt management; immigration; drivers' license problems; alcohol violations; domestic relations; and civil rights claims.

Civil Law Clinic: The Civil Law Clinic is the Law School's oldest clinic, having provided legal assistance for over 35 years. Under the direction of Professor Anne Hornsby, students in this clinic provide free legal advice and representation to university students and represent members of the community in civil matters on a limited referral basis. Civil clinic students annually handle over 200 cases from intake interviews through negotiations and to hearings and trials, if necessary, in state small claims, district, and circuit courts, as well as federal district court. The clinic's caseload encompasses a wide variety of legal claims, including consumer law, debt collection defense, domestic relations, housing, insurance, municipal court infractions (misdemeanors), torts, and other civil matters.

• PUBLIC INTEREST GROUP •

UNIVERSITY OF ALABAMA SCHOOL OF LAW
ELDER LAW CLINIC

Organization Name: Elder Law Clinic-The University of Alabama School of Law

Mailing Address: P.O. Box 870392, Tuscaloosa 35487-0392

Physical Address: The University of Alabama School of Law, 101 Paul Bryant Drive, Tuscaloosa 35401

Phone number: (205) 348-4960

Are you a non-profit? Yes

Do you accept donations? Yes, through the University of Alabama Law School Foundation

Are donations tax-deductible? Yes

Do you provide direct client services? Yes

Brief description of services provided: The Elder Law Clinic provides free legal assistance to individuals 60 years of age and older residing in West Alabama. Assistance is limited to non-criminal matters and is provided according to a set of priorities. As a Title III legal provider, there is no fee for the services and no income qualification required.

How do clients qualify for your services? By contacting the clinic at (205) 348-4960 or 1-800-452-9036

Program description: The University of Alabama School of Law's Elder Law Clinic provides legal advice, assistance, and representation on civil matters to persons 60 years of age or older residing in Pickens, Hale, Bibb, Fayette, Lamar, Greene, or Tuscaloosa county. Through its student and staff attorneys, the Elder Law Clinic provides legal assistance on matter such as: nursing home issues; Medicaid/Medicare; Social Security; consumer fraud; housing; public benefits; elder abuse and exploitation; probate; and health care planning and decision-making.

UNIVERSITY OF ALABAMA SCHOOL OF LAW
CRIMINAL LAW CLINIC

Organization Name: Criminal Law Clinic-The University of Alabama School of Law

Mailing Address: P.O. Box 870392, Tuscaloosa 35487-0392

Physical Address: Tuscaloosa County Public Defender's Office, Tuscaloosa County Courthouse, 714 Greensboro Avenue, Tuscaloosa 35401

Phone number: (205) 354-8200

Are you a non-profit? Yes

Do you accept donations? Yes

Are donations tax-deductible? Yes, through the University of Alabama Law School Foundation

Do you provide direct client services? Yes

Brief description of services provided: The Criminal Law Clinic provides free legal assistance to indigent persons charged with crimes in Tuscaloosa County.

How do clients qualify for your services? Through judicial appointment upon proof of indigence

Program description: The University of Alabama School of Law's Criminal Law Clinic provides free legal assistance to indigent persons charged with crimes in Tuscaloosa County. Through its student attorneys and operating out of the Tuscaloosa County Public Defender's Office, the Criminal Law Clinic provides legal representation on all aspects of misdemeanor and felony cases in Tuscaloosa County's municipal, district and circuit courts.

Elder Law Clinic: With the nation's population aging, elder law has become one of the fastest growing areas of law practice. Since the mid-1970s, students in the Elder Law Clinic have provided free legal advice and representation to individuals aged 60 and over in the seven West Alabama counties of Bibb, Greene, Hale, Fayette, Lamar, Pickens, and Tuscaloosa. Last year, the clinic, under the guidance of clinic director Hugh Lee, assisted over 800 elderly persons. Legal assistance includes all necessary assistance and advocacy in matters such as health care, Medicare, Medicaid and other public benefits, protection from abuse, neglect and exploitation, advance directives and durable powers of attorney, will drafting, consumer fraud, and a broad array of other civil legal needs. The Elder Law Clinic also pro-

vides education on elder law matters to community and nursing home residents and operates an informational website at www.uaelderlaw.org/.

Criminal Defense Law Clinic: The Criminal Defense Clinic has operated out of the Tuscaloosa Public Defender's Office for over two decades; prior to that, law students worked in the Public Defender's and District Attorney's Offices as externs. Professor Joe Morrison directs this clinic, which represents indigent defendants in misdemeanor and felony criminal matters in Tuscaloosa County's municipal, district, and circuit courts. Students handle preliminary hearings, motions, pleas, and bench and jury trials in almost 200 cases each year.

• PUBLIC INTEREST GROUP •

UNIVERSITY OF ALABAMA SCHOOL OF LAW
CAPITAL DEFENSE LAW CLINIC

Organization Name: Capital Defense Law Clinic-The University of Alabama School of Law
Mailing Address: P.O. Box 870392, Tuscaloosa 35487-0392
Physical Address: The University of Alabama School of Law, 101 Paul Bryant Drive, Tuscaloosa 35401
Phone number: (205) 348-6845
Are you a non-profit? Yes
Do you accept donations? Yes, through the University of Alabama Law School Foundation
Are donations tax-deductible? Yes
Do you provide direct client services? Yes, but only by assisting private attorneys in their direct representation
Brief description of services provided: The Capital Defense Law Clinic assists attorneys representing individuals in Alabama who are facing capital charges or have been sentenced to death.
How do clients qualify for your services? Because the clinic does not provide direct client representation, attorneys can contact the clinic at (205) 348-6845 or ndiaz@law.ua.edu.
Program description: The University of Alabama School of Law's Capital Defense Law Clinic assists attorneys in Alabama representing individuals facing capital murder charges or a death sentence. Through its students, the clinic provides assistance on matters such as: case strategy; fact investigations; legal research and writing; trial preparation (including the penalty [mitigation] phase of trial); and organizing evidence and other materials for trial or post-conviction petitions.

Capital Defense Law Clinic: Just three years old, this law clinic assists members of the private bar representing individuals who have been sentenced to death and are seeking relief in state and federal courts or are facing trial in a capital case. In the course of their work, clinic students assist with case strategy, conduct factual investigations, organize materials for trial or post-conviction petitions, research and write motions and briefs, and help with preparation for the penalty phase of capital trials (mitigation). Nicole Self-Drake Diaz directs the clinic.

UNIVERSITY OF ALABAMA SCHOOL OF LAW
COMMUNITY DEVELOPMENT LAW CLINIC

Organization Name: Community Development Law Clinic-The University of Alabama School of Law
Mailing Address: P.O. Box 870392, Tuscaloosa 35487-0392
Physical Address: The University of Alabama School of Law, 101 Paul Bryant Drive, Tuscaloosa 35401
Phone number: (205) 348-6845
Are you a non-profit? Yes
Do you accept donations? Yes, through the University of Alabama Law School Foundation
Are donations tax-deductible? Yes
Do you provide direct client services? Yes
Brief description of services provided: The Community Development Law Clinic provides free legal assistance to individuals and organizations seeking to improve the economic, cultural, social and environmental conditions of underserved or disadvantaged communities in Alabama.
How do clients qualify for your services? By contacting the clinic at (205) 348-6845 or ndiaz@law.ua.edu.
Program description: The University of Alabama School of Law's Community Development Law Clinic provides free legal assistance to individuals and organizations seeking to improve the economic, cultural, social and environmental conditions of underserved or disadvantaged communities. Through its student attorneys, the Community Development Law Clinic provides legal assistance on matters such as: entity formation (e.g., articles of incorporation, bylaws); tax-exempt status; leases and contracts for goods and services; housing and land use; local and state licensing and other regulatory requirements; improving local and state laws and regulations; and public participation rights.

Community Development Law Clinic: This clinic began in 2005 as a means to provide free legal assistance to individuals and non-profit or community organizations seeking to improve the economic, cultural, social, or environmental well-being of disadvantaged or underserved communities. Under the direction of Professor Robert Kuehn, students provide legal advice or representation (as well as assisting private attorneys providing similar pro bono assistance) on matters such as entity formation (e.g., articles of incorporation, bylaws), tax exempt status, leases and contracts, public participation rights (e.g., public records and open meetings), improving local and state laws and regulations, licensing requirements, and zoning and land use.

• PUBLIC INTEREST GROUP •

The University of Alabama School of Law Clinic Programs

Domestic Violence Law Clinic: The Law School's newest clinic, the Domestic Violence Law Clinic provides free legal assistance on civil matters to around 300 victims each year of domestic violence, sexual assault, and stalking in the seven west Alabama counties of Bibb, Fayette, Greene, Hale, Lamar, Pickens, and Tuscaloosa. The Clinic takes a holistic approach to a victim's civil legal needs, with the clinic student first representing the victim in obtaining a protection from abuse order and then, in order to meet the victim's other legal needs, providing legal assistance in matters relating to divorce, custody and support, employment and debt issues, housing, property recovery, and public benefits. The Clinic, directed by Professor Kim Bart, also provides outreach and educational services to inform victims, service providers, and law enforcement personnel about legal rights and remedies to address domestic violence.

Together, the students in these six law clinics provide approximately 15,000 hours of free legal assistance each year to needy individuals and organizations; clinic faculty and staff provide over 10,000 hours of additional assistance. Annually, over 1,500 individuals and organizations are aided by law clinic program students and staff.

As the only public law school in Alabama, The University of Alabama School of Law is dedicated, through its law school clinics, both to ensuring that the next generation of lawyers are well trained in the skills necessary for the successful practice of law and to helping fulfill the bar's mission to provide competent legal services for all persons. With a brand new facility, new clinical faculty and overwhelming student interest, the clinical program at The University of Alabama School of Law is poised to become a leader nationally in clinical education while continuing to serve the legal needs of more and more of Alabama's poorest citizens. ■

UNIVERSITY OF ALABAMA SCHOOL OF LAW
DOMESTIC VIOLENCE LAW CLINIC

Organization Name: Domestic Violence Law Clinic-The University of Alabama School of Law

Mailing Address: P.O. Box 870392, Tuscaloosa 35487-0392

Physical Address: The University of Alabama School of Law, 101 Paul Bryant Drive, Tuscaloosa 35401

Phone number: (205) 348-7129

Are you a non-profit? Yes

Do you accept donations? Yes, through the University of Alabama Law School Foundation

Are donations tax-deductible? Yes

Do you provide direct client services? Yes

Brief description of services provided: The Domestic Violence Law Clinic provides free legal assistance to victims of domestic violence, stalking or sexual assault residing in West Alabama. There are no income restrictions on qualifying for services from the clinic.

How do clients qualify for your services? By contacting a domestic violence shelter in West Alabama or the clinic at (205) 348-7129

Program description: The University of Alabama School of Law's Domestic Violence Law Clinic provides free legal services to victims of domestic violence, stalking and sexual assault in the west Alabama counties of Bibb, Fayette, Greene, Hale, Lamar, Pickens, and Tuscaloosa. Through its student and staff attorneys, the Domestic Violence Law Clinic provides legal assistance on protection from abuse, family law, housing, employment, and other legal matters as needed to assist victims escaping domestic violence.

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HANK CADDELL: Alabama's Volunteer Lawyer of the Year

BY MICHAEL A. SMITH



Henry A. Callaway, III, chair of the Mobile Bar Association Volunteer Lawyers Program Committee, presents Hank Caddell with the MBA's Volunteer Lawyer of Year award.

Henry H. "Hank" Caddell is truly an asset to the legal profession, as well as to the community where he makes his home, Mobile, Alabama. Hank helps the indigent with their legal, medical and homeless woes, maintains a private practice, and provides support and leadership to other organizations to make the world a nicer place for all of us.

Caddell has been a faithful volunteer with the Mobile Volunteer Lawyers Program (hereinafter *VLP*) since its inception in 1989. In that period of time, he has provided well over 200 hours of legal help to those who were unable to compensate him for his services. Hank has closed the books on the problems of 48 different clients during his 17 years, providing guidance in all types of cases: contract and warranty, home-ownership, landlord/tenant (as well as other housing issues), consumer financing, public utilities, unfair sale practices, and wills and estates.

In the last couple of years, Hank has made even more time available for the VLP clients and though he did not seek it, the accolades have poured in. Hank provided 81 hours of service in 2004 and was recognized publicly as a nominee for Mobile's highest volunteer award. In

2005, he donated 80 hours of service for which he was selected as the local Volunteer Lawyer of the Year. In 2006, the Alabama State Bar followed suit and selected Caddell as its *Pro Bono* Volunteer Attorney of the Year.

Hank's volunteer efforts with the VLP, however, are not limited to helping the indigent. He is the immediate past chair of the VLP, having served at the helm for two years; he also served on the Executive Committee of the Mobile Bar Association during that period of time. During his VLP administration, Caddell instituted a fund-raising campaign among the local attorneys which raised \$30,000 in each of those years, money necessary for the program's vitality. Though no longer chair, Hank still conducts the fund-raising drive as part of his service to the organization.

While serving as a board director for seven years, Hank has been in charge of publicity for the VLP, often providing articles that he has written to Mobile's *Press-Register* to bring attention to the work being done by volunteer attorneys within the program. Without his diligence in focusing the spotlight on local efforts, good deeds would often go unnoticed and good people would be unrecognized.

Caddell was also responsible, as chair of the Mobile Bar Public Relations Committee, for starting "Law Line" in the Mobile community. Law Line is a telephone bank manned by dozens of Mobile attorneys who give advice and make referrals to community members who have called in with pressing legal problems. That program is still being conducted more than ten years after its commencement.

Hank's volunteer efforts are not limited to the VLP or the legal community, however. For more than one and a half years, Caddell has served as the chair of the board for Family Promise; this organization provides housing for the homeless in Mobile and Baldwin counties, using church properties. Caddell is on the board—and has been the chair for several years—of the Franklin Primary Health Centers which provide medical health care to the lower income populations of Mobile, Baldwin and Choctaw counties.

Caddell's volunteer efforts are not lim-

ited to the indigent, however. He is also the founder and an officer for the Alabama Coastal Heritage Trust Foundation which has an endowment for preserving the coastal environmental habitat; the foundation also provides educational resources toward that goal. Caddell is a member of the vestry (treasurer) at his church, All Saints Episcopal.

Hank Caddell is selfless in volunteering his time and energy to empower those who are less fortunate by providing legal services to the indigent people of Mobile. He not only makes sure that the poor receive legal help, as he also helps make medical care and housing opportunities available to them. When not providing help to the underprivileged, Caddell does what he can to improve the environment and build his community. Mobile and Alabama are certainly better for his efforts.

The following are written comments provided by several of Hank's clients:

A property case: "He guided me

through the entire process. My attorney walked me through several issues. He and his office prepared all necessary paperwork. They were extremely helpful."

A guardianship/conservator case: "The program helped me a lot and quick. And I thank Mr. Henry H. Caddell for helping me with my case. He is a good man that understands your problem. Thank you very much."

An unspecified case: "The attorney did a great job for me. Any time I need his services I will get him again. So, I am thankful to him." ■

Michael A. Smith

Michael A. Smith is a staff attorney of 19 years to U.S. Magistrate Judge Bert W. Milling, Jr. in the Southern District of Alabama. Smith is secretary of the Mobile VLP Program and chair of the Awards Committee.




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What's In A Name?

Trademark Infringements in Cyberspace

BY GREGORY R. JONES

*“That which we
call a rose by any
other name would
smell as sweet”*

Romeo and Juliet, Act 2, Sc. 2, k. 67

Shakespeare's Juliet would have made a terrible trademark lawyer. Lawyers and their business clients have long recognized the value of a well-established and distinctive name or trade symbol—and the need to protect that name or symbol from competitors. That distinctive name or symbol is a trademark.

The United States Patent and Trademark Office defines a trademark as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs, that identifies and distinguishes the source of the goods of one party from those of others. A service mark is the same as a trademark, except that it identifies and distinguishes the source of a service rather than a product.” (See www.uspto.gov)

Throughout this article, the terms “trademark” and “mark” refer to both trademarks and service marks. Trademarks can be created by use in commerce (if original) and by state and federal registration. An unregistered mark created by use is just as valid and subject to protection as a registered mark, but registration creates a strong presumption of ownership.

Rights in a federally-registered trademark can last indefinitely if the owner: (1) continues to use the mark on or in connection with the goods and/or services in the registration and files all necessary documentation in the USPTO at the appropriate times; (2) actively uses the mark and defends it from misappropriation, and works to keep the name from becoming generic. “Aspirin” was once a trademark for chemical acetylsalicylic acid. “Band-Aid” and “Xerox” are examples of marks at risk since both marks are used in common vernacular as any adhesive first-aid dressing and as a photocopy or the act of making a photocopy.

Trademark infringement is as old as trademark law. But in the “Information Age,” infringement has matured from simply copying or mimicking a competitor's trademark to the use of highly technical Internet tools and mass word-processing resources to compromise the value of many trademarks. The same technology that can now instantly spread a business' name around the world in a nanosecond has also opened the door to new forms of infringement. The good news is that traditional legal remedies for infringement are still available to combat

these new forms of infringement are still valid. See 15 U.S.C. §1051, et seq. The challenge for lawyers is to assist business clients in “policing” the clients’ use of their trademark and recognizing the forms and source of new infringement attacks—increasingly committed on the Internet. This article will address three of these new forms of attacks and challenges to trademarks and suggest some practical procedures to police a valid mark.

The central feature of trademark infringement is the likelihood of confusion. *Playboy Enterprises, Inc. v. Netscape Comm. Corp.*, 354 F.3d 1020 (9th Cir. 2004). Courts use a well-established eight-factor test to determine initial interest confusion. *Id.* at 1026. These eight factors are (1) the strength of the mark; (2) the proximity of the goods; (3) the similarity of the marks; (4) evidence of actual confusion; (5) the marketing channels used; (6) the type of goods and the degree of care likely to be exercised by the purchaser; (7) the defendant’s intent in selecting the mark; and (8) the likelihood of expansion of the product lines. *Id.* citing *AMF Inc. v. Sleekcraft Boats*, 599 F.2d 341, 348-349 (9th Cir. 1979). However, application of the *Sleekcraft* factors in the Internet context requires a greater amount of flexibility because some factors may not apply. Furthermore, some factors are more important than others. A strong showing of evidence of actual confusion among consumers would be a strong support for the likelihood of confusion.

Domain Names Infringement

Internet searches often begin with a business’s domain name (domain) which is why a domain is one of the most important business identifiers today and are essentially afforded trademark status. Obtaining a domain which intuitively identifies a business’s goods or services enables the domain owner’s Website to be found by persons who may not know the exact name of the business. For example, a person trying to find the manufacturer of America’s oldest baseball bat product may do a key word search using the only words that come to mind “slugger” and “bat”—bringing that person to *www.slugger.com*, the site for Hillerich & Bradsby Co., the maker of the legendary “Louisville Slugger®” wooden baseball bat.

Domain names are generally assigned on a first-come, first-served basis by a domain registry. The registry uses a “Top Level Domain” (“TLD”) suffix such as “.com”, “.org” and “.net”. The lack of screening by the domain registry makes it easy for a competitor to either reserve a domain name using an existing mark not already reserved by a trademark owner, or by using a domain name which is deceptively similar to an existing trademark.

One ploy in the domain game is to register a domain name already registered with a “Top Level Domain” (“TLD”) with another existing domain name but with a “Second Level Domain” (“SLD”). For example, International Business Machines Corp. owns “imb.com”, “ibm.net”, etc., thereby precluding would-be infringers from using its trademark “IBM®” in any other fashion as a domain.

Domain name disputes are often resolved using the Uniform Domain Name Resolution Policy (“URDP”) process. See *www.icann.org/urdp*. A hotly debated topic is whether the URDP process favors large corporations and if URDP decisions are over-reaching. Under the URDP process, remedies include having

the infringing domain name deleted (giving someone else the opportunity to register the just-deleted domain) or transfer of ownership of the domain. Advocates of URDP maintain it is a faster and less expensive means of dispute resolution than traditional litigation.

Domain name disputes can also be tried in court but, like other forms of litigation related to the Internet, establishing jurisdiction is often difficult since no consensus by the courts throughout the United States has emerged whether the proper place for a case is that of the plaintiff, the defendant or the location of the server through which the domain is registered and serviced.

Cybersquatting and Typosquatting

A similar ploy by those wishing to attract searchers to their site is “cybersquatting.” The U.S. Anti-Cybersquatting Consumer Protection Act (“ACCPA”) (15 U.S.C. § 1125) defines cybersquatting as the registering of, trafficking in or use of a domain name with bad-faith intent to profit from the goodwill of a trademark belonging to someone else. The consequences of cybersquatting can be severe. The ACCPA provides for actual or statutory damages up to \$100,000 for each domain name found to be in violation.

Strong trademarks, including Panasonic, Fry’s Electronics, Hertz and Avon, were among the early victims of cybersquatters. In 1998, Ringling Bros. and Barnum & Bailey Circus sued the animal rights group “People for the Ethical Treatment of Animals” (“PETA”) for registering the *www.ringlingbrothers.com* for a site that posted allegations that the circus mistreated animals. PETA settled the case by agreeing to transfer the domain name to Ringling Bros. in exchange for dismissing the litigation.

Three years later, PETA turned plaintiff in a cybersquatting case filed against an individual claiming to exercise his First Amendment rights in parodying PETA. The defendant’s Website, *www.peta.org*, which he claimed stood for “People Eating Tasty Animals,” described itself as “a resource for those who enjoy eating meat, wearing fur and leather, hunting and the fruits of scientific research (and more!).” The 4th Circuit Court of Appeals upheld the District Court and ruled that the defendant’s domain name alone did not suggest parody, and ordered the defendant to relinquish the domain name *peta.org*. (*People for the Ethical Treatment of Animals v. Doughney*, 263 F.3d 359 (4th Cir. 2001). *Peta.org* is now the Website for the animal rights group.

In *Coca-Cola Company, et al. v. William S. Purdy Sr., et al.*, 382 F.3d 774 (8th Cir. (2004), Coca-Cola, McDonald’s, the *Washington Post* and Pepsi prevailed in an action against an abortion rights advocate who registered numerous domain names incorporating the plaintiffs’ trademarks, including *mycoca-cola.com*, *my-washingtonpost.com*, *mymcdonalds.com* and *mypepsi.com*. The defendant’s Website, *abortionismurder.com*, also linked the plaintiffs’ sites to his site advocating a ban on abortions, soliciting donations and offering goods for sale to fund anti-abortion causes. The defendant’s Website also contained graphic images of aborted fetuses beside both Coca-Cola’s trademark and the words “Things Don’t Always Go Better With Coke. Abortion is Murder—The Real Thing.”

The defendant said his primary “target” was *The Washington*

Post “because of their rabidly pro-choice editorial agenda. My Number 2 target is the *Star Tribune*, for the same reason.” He added that he chose the food companies because they are large, well-known institutions that he believes should take a stance on abortion. Not surprisingly, the Eighth Circuit rejected the defendant’s claim that his use of the plaintiffs’ trademarks constituted free speech under the First Amendment. With regard to the bad faith element of the ACCPA, the act lists nine non-exclusive factors a court may consider in evaluating a defendant’s conduct. In *Coca-Cola*, the court held that even if a domain is used for a non-commercial, fair use is not dispositive on the question of whether the defendant acted in bad faith.

Even law firms are accused of trademark infringement. A Dallas law firm was recently sued by an anti-piracy non-profit organization for cybersquatting. The Software and Information Industry Association (“SIIA”) filed suit in May 2006 against Scott & Scott, LLP for service mark infringement and cybersquatting. What makes the case especially perplexing is that the law firm, on its Website *www.siiadefense.com*, touts its lawyers’ information technology (and presumably intellectual property) expertise in defending businesses “through every step of the SIIA audit process.” The firm’s Website also displays the SIIA name and logo. SIIA claims the use of its name and logo is likely to cause confusion since it leads people to believe that the defendants’ legal services are legitimately connected with or approved by SIIA and that the law firm is intending to profit from the use of SIIA’s name in its domain name. (See *www.out-law.com/page-6963*, May 31, 2006).

Cyber-infringers apparently never sleep. One relatively new form of cyber-infringement is called “typosquatting.” This technique preys upon typing mistakes made by Internet users as they input a Website address into a Web browser. If the person inadvertently enters an incorrect Website address, they may be led to a Website owned by a cybersquatter. Once the person reaches the unintended Website, the infringement may be exacerbated by other unauthorized uses of the victim’s trademark or trademarks. For example, no article about cybersquatting, and in particular typosquatting, is complete without the mention of John Zuccarini, probably the Internet’s most active and infamous cybersquatter. Zuccarini maintained more than 3,000 Websites that once earned an estimated \$800,000 to \$1,000,000 annually. Zuccarini registered hundreds of domain names that were misspellings of well-known company names and brands, television shows, celebrities’ names and movies. To be one of his victims was proof they had “arrived”—Dow Jones & Company, Nicole Kidman, Microsoft, Encyclopedia Britannica, Yahoo, Spiegel, Victoria’s Secret, Abercrombie & Fitch, United Feature Syndicate, Budget Rent a Car Corporation, Minolta, Twentieth Century Fox Film Corporation, Saks & Company, American Airlines, FAO Schwarz, Musicmatch, L.L. Bean, and America Online.

Zuccarini’s hyper-cyber-creativity and initial financial success ultimately came with an expensive price, however, when he or his affiliates were ordered in 33 domain-name arbitration proceedings under the URDP to transfer 139 of the 155 domains in dispute to the complainants. Zuccarini’s URDP problems may have been the least of his problems, though. In 2000, Zuccarini was ordered in two separate lawsuits brought under the ACCPA to pay statutory damages totaling \$550,000, plus attorneys’ fees and costs of more than \$60,000. See *Electronics Boutique Holding Corp. v. Zuccarini*, 56 U.S.P.Q. 2d 1705 (E.D. Pa. 2000) and

Shields v. Zuccarini, 89 F. Supp. 2d 634, aff’d 254 F.3d 476 (3d Cir. 2001).

Fortunately, the incidence of cybersquatting is diminishing, because most businesses now know that properly protecting all variations of their domain name is a high priority.

Metatag Infringement

A metatag is a type of software code that is used to store information about a Webpage but is not displayed on the Website. Metatags provide such information as what program was used to create the page, a description of the page and keywords that are relevant to the page. Many search engines use the information stored in metatags when a person uses a key word or phrase to search Webpages. For example, if you type the word “auburn,” search engines will seek that word throughout the World Wide Web to find all Websites containing that word. The search results will show Websites relating to the university, cities with that name, the color, etc.

If Acme Corporation, wanting to divert searches from the Website of its competitor, Bravo Co., inserted a metatag with Bravo’s trademark into Acme’s Website, search engines may display Acme’s Website. The unauthorized use of another’s trademark as a metatag is an infringement in most cases.

The Eleventh Circuit does not have case law pertaining to the unauthorized use of trademarks as metatags. The Ninth Circuit is probably the leading circuit dealing with this issue. To determine if a trademark is infringed upon when used as a metatag requires the use of the initial interest confusion test. *Id.* at 1024. Initial interest confusion is a customer’s confusion which creates initial interest in a competitor’s product. *Id.* at 1025. The Ninth Circuit provided a useful analogy in explaining the harm of initial interest confusion with metatags:

Using another’s trademark in one’s metatags is much like posting a sign with another’s trademark in front of one’s store. Suppose West Coast’s [the defendant] competitor (let’s call it “Blockbuster”) puts up a billboard on a highway reading “West Coast Video: 2 miles ahead at Exit 7” when West Coast is really located at Exit 8 but Blockbuster is located at Exit 7. Customers looking for West Coast’s store will pull off at Exit 7 and drive around looking for it. Unable to locate West Coast, but seeing the Blockbuster store right by the highway entrance, they may simply rent there. Even consumers who prefer West Coast may find it not worth the trouble to continue searching for West Coast since there is a Blockbuster right there. Customers are not confused in the narrow sense: They are fully aware that they are purchasing from Blockbuster and they have no reason to believe that Blockbuster is related to, or in any way sponsored by, West Coast. Nevertheless, the fact that there is only initial consumer confusion does not alter the fact that Blockbuster would be misappropriating West Coast’s acquired goodwill.

Brookfield Comm., Inc. v. West Coast Ent. Corp., 174 F.3d 1036 (9th Cir. 1999).

Practical Suggestions

Several simple practices and procedures will go a long way in thwarting the evil machinations of would-be trademark infringers in cyberspace and the “real world” as well.

1. If a lawyer is involved in the formation of a new entity, he or she should counsel the client to adopt a trade name and trademark that is distinctive and ideally be registered as a trademark. For example, "Gulf Coast Advertising Company" is purely descriptive (as well as being, in part, merely geographic). Descriptive and geographic names, in most cases, cannot be registered as trademarks and cannot be protected as common law marks. This leaves the company vulnerable to competitors using the words "gulf coast advertising" as a legitimate domain name or a non-infringing metatag without much recourse. A better name would be something more distinctive and fanciful, such as "Pixallure, Inc." (an actual Alabama company engaged in advertising and graphic design).
2. A company should register as many variations of its domain name as possible as a defensive measure. Examples could be *acme.com*, *acme.net*, *acme.org*, etc. The costs of such registrations is minimal, especially considering the damage an infringer can cause by diverting Web traffic intended for your client to his Website.
3. A company should monitor any variations of its domain name that the company has not been able to register since the variations were already registered by third parties. Note that many such variations are completely innocent and not meant to be an infringement. The owners of such similar domain names may be in an entirely different market. Such owners are as concerned about confusion regarding their Websites as an owner of a similar domain and may be cooperative in monitoring traffic to its Website.
4. A company should also regularly monitor its competitors' Websites for the presence of metatags. The process is simple: Go to "View" on the toolbar and scroll to "Source." Click on "Source" and a white page with long lines of codes and words will appear. Look at the lines of words for your trademark. Such use may, but not necessarily, constitute a trademark

infringement. If your trademark appears more than once, the company probably has grounds to complain, since a common infringement technique is to insert multiple repetitions of a trademark/metatag in order to increase the probability that a search engine will display the Website.

5. If a company's trade name or trademark is capable of easy misspelling, test the Internet by being your own typosquatter. For example, the author's law firm name, Hand Arendall, could easily be misspelled as "Hand Arendal."
6. There are several companies that monitor the Web for potential infringers of particular trademarks, such as "MarkWatch," which is owned by Datalytics, Inc. See *www.markwatch.com* and "The Trademark Checker" offered by MicroPatent. See *www.marksearch.com*.
7. If any form of infringement is found, a cease-and-desist letter should immediately be sent, preferably by legal counsel for the trademark owner. If the infringement continues, legal counsel should be consulted regarding a formal complaint being filed, either under the URDP or in a court of competent jurisdiction.

Shakespeare may have made Juliet naive about the value of a name, but the bard got it right with Richard III: "The king's name is a tower of strength" (*Richard III*, Act. 5, Sc. 3, l. 201). Help make your client's trademark just that—a tower of strength. ■

Gregory R. Jones

Gregory R. Jones is a member of Hand Arendall, LLC in the firm's Mobile office.

Robert E. Perry

Mechanical Engineer

Expert Witness

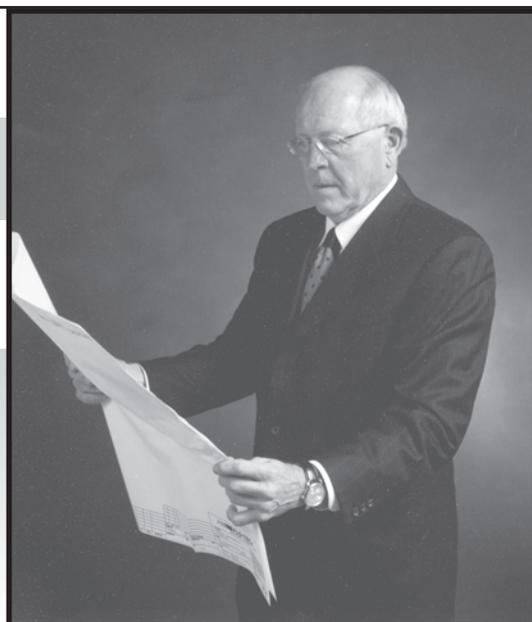
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NOTICE PLEADING IN THE MASS TORT ARENA:

What is Sufficient Notice?

BY JOE E. BASENBERG AND S. LEANNA BANKESTER

It is becoming increasingly common for a complaint to bring dozens of claims by dozens of plaintiffs against dozens—if not hundreds—of defendants. From the plaintiff's perspective, such pleading is often a necessary evil in complex matters, such as exposure cases, until the proper defendants are identified through the discovery process. However, from the defendant's perspective, such "shotgun" complaints make it nearly impossible to identify which, if any, of the causes of action apply to each defendant, and often result in an enormous waste of time and resources. The question arises: In Alabama, how much information must a plaintiff provide in his or her complaint to meet the requirements of the *Alabama Rules of Civil Procedure*?

Alabama Rule of Civil Procedure 8 provides that a complaint "shall contain (1) a short and plain statement of the claim showing that the pleader is entitled to relief, and (2) a demand for judgment for the relief the pleader seeks." *Ala. R. Civ. P.* 8. A continuous debate in the arena of mass tort cases is how specific a complaint must be to satisfy the requirements of *Alabama Rule of Civil Procedure* 8.

The Committee Comments to *Alabama Rule of Civil Procedure* 8 provide, "Although Rule 8(a) eliminates

many technical requirements of pleading, it is clear that it envisages the statement of *circumstances, occurrences, and events* in support of the claim presented." *Ala. R. Civ. P.* 8, committee's comments (emphasis added). As stated by the Alabama Supreme Court:

We cannot . . . ignore the ultimate goal of pleadings under the Alabama Rules of Civil Procedure: to provide fair notice to adverse parties of the claim against them and the grounds upon which it rests. The liberality with which the Rules are construed then must be balanced against the requisites of fair notice to adverse parties and strict adherence to statutorily prescribed procedures.

Bullen v. Brown, 535 So. 2d 76, 80 (Ala. 1988) (internal citations omitted); see also *Carter v. Calhoun County Bd. of Educ.*, 345 So. 2d 1351, 1352 (Ala. 1977). A complaint which fails to give a defendant fair notice fails to comply with Rule 8. *Bullen*, 535 So. 2d at 79.

Like the Alabama rule, *Federal Rule of Civil Procedure* 8 also requires "a short and plain statement of the claim showing that the pleader is entitled to relief, and [] a demand for judgment for the relief the pleader seeks." *Fed. R. Civ. P.* 8. Because

Alabama Rule 8 is "identical in relevant aspects to the corresponding *Federal Rule of Civil Procedure*," *Bruck v. Walter Corp.*, 470 So. 2d 1141, 1143 (Ala. 1985), "cases construing the *Federal Rules of Civil Procedure* are authority for construction of the *Alabama Rules of Civil Procedure*." *First Citizens Bank of Luverne v. Jack's Food Systems, Inc.*, 602 So. 2d 374, 376 (Ala. 1992); *Ex parte Dorsey Trailers, Inc.*, 397 So. 2d 98, 103 (Ala. 1981).

As early as 1959, federal courts warned that even under the "notice" pleading standard, pleadings must be presented in adequate detail "so that the defendant, and the court, can obtain a fair idea of what the plaintiff is complaining, and can see that there is some legal basis for recovery." *Hoshman v. Esso Standard Oil Co.*, 263 F.2d 499, 501 (5th Cir. 1959). "[I]t is not enough to indicate merely that the plaintiff has a grievance but sufficient detail must be given so that the defendant, and the Court, can obtain a fair idea of what the plaintiff is complaining, and can see that there is some legal basis for recovery." *Fullman v. Graddick*, 739 F.2d 553, 556 (11th Cir. 1984).

Recently, federal courts have been forced to address the propriety of "shotgun" complaints in the context of mass tort cases. In *Magluta v. Samples*, 256 F.3d 1282, 1284 (11th Cir. 2001), the Court

identified a shotgun complaint as one ignoring the “short and plain statement” requirement by identifying multiple defendants and charging all defendants in each count. As stated by the Court, a shotgun complaint “is replete with allegations that ‘the defendants’ engaged in certain conduct, making no distinction among the [various] defendants charged, though geographic and temporal realities make it plain that all of the defendants could not have participated in every act complained of.” *Id.* In such pleadings, “[t]he resulting difficulty in sorting through allegations almost drowns a meritorious claim in a sea of marginal ones.” *Beckwith v. City of Daytona Beach Shores, Florida*, 58 F.3d 1554 (Ala. 1995). As stated by the Southern District of Alabama,

“‘Shotgun’ pleadings, which are those pleadings that do not inform the Court or a Defendant of an intelligible claim, are deplored and are to be ordered to be repleaded as it is the Eleventh Circuit’s experience that ‘a civil case framed with shotgun pleadings, on close scrutiny . . . simply [falls] apart.’”

Lucy v. Clarke County, Alabama, 2000 WL 549983, *2 (S.D. Ala. 2000), citing *Cramer v. Florida*, 117 F.3d 1258, 1263 (11th Cir. 1997); see also *Cesnik v. Edgewood Baptist Church*, 88 F.3d 902, 903 (11th Cir. 1996) (shotgun complaint was “so muddled that it was difficult to discern what the appellants [were] alleging beyond the mere names of certain causes of action.”).

The Eleventh Circuit Court of Appeals has also addressed shotgun pleading in a number of recent opinions. See, e.g., *Byrne v. Nezhat*, 261 F.3d 1075 (11th Cir. 2001) (holding that shotgun complaints impede the efficiency of the court system and that monetary sanctions are valid when particularly egregious abuses are present in shotgun pleadings). In *Magluta*, 256 F.3d at 1284, the Court noted that shotgun pleadings have been repeatedly condemned by the court, and stated, “The toleration of complaints such as this one does great disservice to the administration of civil justice.” In *Ebrahimi v. City of Huntsville*, 114 F.3d 162 (11th Cir. 1997), the Court stated in a discussion of shotgun pleadings that it “is particularly important for district courts to undertake

the difficult, but essential, task of attempting to narrow and define the issues from the earliest stages of the litigation” in order to ensure “the orderly, efficient, and economic disposition of disputes.” *Id.* at 165. The Court went on to say, “Experience teaches that when district courts abdicate this responsibility, issues are not joined, discovery is not controlled, the trial court’s docket becomes unmanageable, the litigants suffer, and society loses confidence in the court’s ability to administer justice.” *Id.* As similarly stated by the Court in *Byrne*:

Such disjointed pleadings make it difficult, if not impossible, to set the boundaries for discovery. Hence, discovery disputes are inevitable. Resolving them can be time-consuming. If the court does not intervene and require the parties to narrow the issues, the discovery disputes continue unabated—until a motion for summary judgment or a pretrial conference brings them to a halt. At that point, the court is confronted with the time-consuming task it avoided earlier—rearranging the pleadings and discerning whether the plaintiff has stated a claim, or claims, for relief, and whether the defendant’s affirmative defenses are legally sufficient. If the court performs these tasks, it will have to strike all of the allegations of the complaint and answer that are insufficient, immaterial or impertinent—so that when the tasks are finished, the complaint consists of a “short and plain statement of the claim,” or claims, for relief, and the answer states “in short and plain terms the [defendant]’s defenses to each claim asserted.”

* * *

Why, then, would a lawyer engage in shotgun pleading? Plaintiffs file shotgun complaints and include frivolous claims to extort the settlement of a meritorious claim; worse yet, they file shotgun complaints to extort the settlement of unmeritorious claims

* * *

If use of an abusive tactic is deliberate and actually impedes the orderly litigation of the

case to-wit, obstructs justice, the perpetrator could be cited for criminal contempt.

Byrne, 261 F.3d 1129-30, 1131; see also *Pelletier v. Zweifel*, 921 F.2d 1465, 1522 (11th Cir. 1991). As stated succinctly by President Lincoln, “In law it is a good policy never to plead what you need not, lest you oblige yourself to prove what you cannot.” Abraham Lincoln, Letter to Usher F. Linder, February 20, 1848 in *The Quotable Lawyer* 241 (D. Shrager & D. Frost, eds. 1986), cited in *Beckwith*, 58 F.3d at 1567.

In at least two recent cases, the District Court for the Northern District of Alabama followed the Eleventh Circuit’s mandate and dismissed, *sua sponte*, such shotgun pleadings. In *Sidney Chancellor, et al. v. Air Liquide America Corp., et al.*, Case No. CV-04-BE-2554-S (N.D. Ala., Oct. 8, 2004), Judge Karon O. Bowdre *sua sponte* dismissed the plaintiffs’ complaint without prejudice, due to the plaintiffs’ failure to state a claim upon which relief could be granted and failure to plead with the required particularity. The Court stated that the complaint, “[a]t best . . . suggests only that plaintiffs have respiratory illnesses, that plaintiffs were exposed to silica ‘during all or part of [their] working lives . . . while working at various worksites in Alabama and other states,’ and that all seventy-five named defendants were in some way participants in the sand-blasting industry.” *Id.* at 2. Citing both *Hoshman* and *Byrne*, Judge Bowdre stated that the vague nature of the complaint “force[d] the defendants to guess what each may have done to injure the plaintiffs, and when, where, and how,” requiring “[a]ll seventy-five defendants [to] answer with abandon, pleading every conceivable affirmative defense, while simultaneously risking the possibility that they may inadvertently fail to plead the one good defense relevant to whatever as-yet-unknown specific claims against them discovery may reveal.” *Id.* In holding that dismissal was the correct approach, the Court stated:

[t]he court is acutely aware of its duty to dispose of shotgun complaints at the earliest opportunity Rather than wait until justice has been obstructed by the inadequacies of this complaint and “scarce judicial and parajudicial resources” are further wasted, the court *sua sponte* dismisses this case as to all defendants without prejudice and with leave to

refile a complaint that complies with all of the requirements of the *Federal Rules of Civil Procedure*.

Id. at 2-3.

Even more recently, Chief Judge U.W. Clemon in the Northern District of Alabama ordered the dismissal of *Skip Palmer, et al. v. Aero Corp., et al.*, Case No. 7:04-cv-3262-UWC (N.D. Ala., May 31, 2005) on similar grounds. The Court determined that the plaintiffs' complaint did not provide sufficient information for the 23 defendants to discern which causes of action applied to individual defendants because the complaint did not make clear "what Defendants produced which products, and the resulting causes of action related to those products." *Id.* at 2. Like Judge Bowdre, Chief Judge Clemon dismissed the case *sua sponte* with leave to refile a complaint in compliance with the *Federal Rules of Civil Procedure*. Chief Judge Clemon noted,

[a]lthough the liberal federal rules require only notice pleading, they still require a 'short and plain statement of the claim showing the pleader is entitled to relief' . . . The pleadings still must state a 'cause of action' in the sense that it must show 'that the pleader is entitled to relief;' it is not enough to indicate merely that the plaintiff has a grievance, but sufficient detail must be given so that the defendant, and the court, can obtain a fair idea of what the plaintiff is complaining, and can see that there is some legal basis for recovery.

Id.

Rule 11

Beyond the havoc created as discussed above, shotgun pleadings also have the potential to subject the pleader and/or client to sanctions under Rule 11. *Alabama Rule of Civil Procedure* 11 states, in pertinent part:

The signature of an attorney constitutes a certificate by the attorney that the attorney has read the pleading, motion or other paper; that to the best of the attorney's knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay . . . For a willful violation of this rule an

attorney may be subjected to appropriate disciplinary action.

Ala. R. Civ. P. 11.

Shotgun pleadings have been found by federal courts to be violative of the substantively similar *Federal Rule of Civil Procedure* 11. As shown by the Fifth Circuit, shotgun allegations contained in a complaint are often "evidence a lack of inquiry by the plaintiffs' attorneys into the law and supporting facts." *Thomas v. Capital Security Services, Inc.*, 836 F.2d 866, 869 (5th Cir. 1988). An attorney has a professional responsibility to "perform a reasonably thorough and objective investigation of the facts before asserting them as the bas[is] for [a] cause[] of action." *Byrne*, 261 F.3d at 1115. As summarized by the Eleventh Circuit, sanctions are appropriate under Rule 11

(1) when a party files a pleading that has no reasonable factual basis; (2) when a party files a pleading that is based on a legal theory that has no reasonable chance of success and that cannot be advanced as a reasonable argument to change existing law; and (3) when a party files a pleading in bad faith for an improper purpose.

Pelletier, 921 F.2d at 1514 (awarding double costs and reasonable attorney fees where appeal was found to be frivolous). Simply put, Rule 11 sanctions are proper if a party "knew or should have known that the allegations in the complaint were frivolous." *Byrne*, 261 F.3d at 1117; see also *Mike Ousley Productions v. WJBF-TV*, 952 F.2d 380 (11th Cir. 1992) (imposing monetary sanctions in excess of \$4,700 for attorney's failure to make a reasonable investigation into plaintiff's claims); *Jones v. Int'l Riding Helmets, Ltd.*, 145 F.R.D. 120 (N.D. Ga. 1992) (awarding \$16,415.94 in fees and expenses to defendant where plaintiff's claims were frivolous and plaintiff's attorney failed to properly investigate those claims); *Miles v. State of Georgia Dep't. of Revenue*, 143 F.R.D. 302 (S.D. Ga. 1992) ("[I]f the attorney/party did not make a 'reasonable inquiry,' then the Court *must* impose sanctions—despite the attorney/party's good faith belief that the claims were sound.") (emphasis in original); *In re Sir John, Inc.*, 142 B.R. 524 (S.D. Fla. 1992) ("[lawyers] must *stop and think* before

filing [their papers].") (emphasis and alteration in original).

Procedure for Challenging a Shotgun Pleading

In discouraging shotgun pleadings, the courts have outlined the methods by which an opponent should challenge such a pleading. As stated by the Eleventh Circuit:

If a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, the party may move for a more definite statement before interposing a responsive pleading. The motion shall point out the defects complained of and the details desired. If the motion is granted and the order of the court is not obeyed . . . the court may strike the pleading to which the motion was directed or make such order as it deems just.

Byrne, 261 F.3d at 1128; see also *Fikes v. City of Daphne*, 79 F.3d 1079, 1082-83 (11th Cir. 1996). Thus, "[u]nder the *Federal Rules of Civil Procedure*, a defendant faced with a [shotgun complaint] is not expected to frame a responsive pleading. Rather, the defendant is expected to move the court, pursuant to Rule 12(e), to require the plaintiff to file a more definite statement." *Anderson v. District Board of Trustees of Central Florida Community College*, 77 F.3d 364, 366 (11th Cir. 1996). A defendant might style its opposition to such a shotgun pleading as a "Motion to Dismiss, or, in the Alternative, Motion for More Definite Statement." See, e.g., *Alexander v. Easy Finance of New Albany, Inc.*, 2005 WL 2674980, *1 (N.D. Miss. 2005). The Eleventh Circuit has also instructed that a motion for summary judgment is an appropriate method to challenge a shotgun pleading:

[O]ne of the purposes of the summary judgment mechanism [] is[] to unmask frivolous claims and put a swift end to meritless litigation, which is especially pertinent where, as here, plaintiff employs a "shotgun" approach to litigation, leaving the court with the cumbersome task of sifting through myriad claims,

many of which are foreclosed by governmental immunities, statutes of limitations and similar defenses.

Fullman v. Graddick, 739 F.2d 553, 557 (11th Cir. 1984) (internal citations omitted).

The Mississippi Supreme Court Takes a Stance Against Shotgun Pleadings

In 2004, the Mississippi Supreme Court decided *Harold's Auto Parts, Inc. v. Mangialardi*, 889 So. 2d 493 (Miss. 2004), and laid down a rule of law that is instructive to other courts struggling with the propriety of shotgun pleadings. In *Mangialardi*, an asbestos exposure case, the plaintiffs amended their complaint seven times, so that the final complaint pending before the trial court “involve[d] the claims of 264 plaintiffs against 137 named defendants who ha[d] identified approximately 600 different employers where asbestos exposure might have taken place.” *Id.* at 494. After criticizing the defendants for not filing a motion for a more definite statement or to dismiss, the court turned its attention to the plaintiffs:

Complaints should not be filed in matters where plaintiffs intend to find out in discovery whether or not, and against whom, they have a cause of action. Absent exigent circumstances, plaintiffs’ counsel should not file a complaint until sufficient information is obtained, and plaintiffs’ counsel believes in good faith that each plaintiff has an appropriate cause of action to assert against a defendant in the jurisdiction where the complaint is to be filed. To do otherwise is an abuse of the system, and is sanctionable.

Id. at 494. The court went on to say:

[The plaintiffs] don’t appear to know when they were exposed, where they were exposed, by whom they were exposed, or even if they were exposed. Presumably, when they learn this information, plaintiffs’ counsel intends to dismiss those who should not have been joined. *This is a perversion of the judicial system unknown prior to the filing of mass-tort cases.*

Id. at 495 (emphasis added). The Court directed the trial court to dismiss, without prejudice, the complaint of each plaintiff, unless within 45 days the plaintiff provided the defendants and trial court with “sufficient information . . . , includ[ing], at a minimum, the name of the defendant or defendants against whom each plaintiff makes a claim, and the time period and location of exposure.” *Id.* at 495.

The Mississippi Supreme Court has upheld its decision in *Mangialardi* time and again. In *Canadian National/Illinois Central Railroad Company v. Smith*, 2006 WL 416229 (Miss. 2006), the court refused to allow a complaint that treated the five plaintiffs “as a single entity, neither specif[ying] negligence or harm associated with any particular plaintiff nor explain[ing] when, where, how, or by what product any particular plaintiff was injured.” *Id.* at *1. Similarly, the court in *3M Company v. Glass*, 917 So. 2d 90 (Miss. 2005) refused to allow a shotgun complaint, stating, “We think it reasonable to expect counsel to know *prior to filing suit* the identity of each client, the defendant each client proposes to sue, the alleged harm committed by the specific defendants against each client, and the location and period of time the harm was committed.” *Id.* at 92 (emphasis in original). The *Glass* court well summarized the *Mangialardi* “wakeup call” as a reminder to the bar that even though Mississippi is a notice-pleading jurisdiction, the rules of procedure require, at a minimum:

- (1) That each plaintiff provide “a short and plain statement of the claim” that discloses why that plaintiff “is entitled to relief,” and “a demand for judgment for the relief to which he deems himself entitled.” *Miss. R. Civ. P.* 8(a);
- (2) That “averments of time and place are material and shall be considered like all other averments of material matter.” *Miss. R. Civ. P.* 9(f);
- (3) That “each claim founded upon a separate transaction or occurrence . . . shall be stated in a separate count . . .” *Miss. R. Civ. P.* 10(b); and
- (4) That the “signature of an attorney [on the complaint] constitutes a certificate . . . that to the best of the attorney’s knowledge, information and belief there is good ground to support it.”

Id. at 93, 94.

In *3M Company v. Hinton*, 910 So. 2d 526 (Miss. 2005), the court halted the litigation before any depositions had even been taken, demanding that the 115 plaintiffs provide such minimal information in their complaints as against which of the 77 defendant(s) each plaintiff alleged a claim, the time and location of the plaintiff’s alleged asbestos exposure, and the medical condition caused by such exposure. *Id.* at 528; *see also Alexander v. Easy Finance of New Albany, Inc.*, 2005 WL 2674980 (N.D. Miss. 2005) (citing *Mangialardi*); *In re Silica Products Liability Litigation*, 398 F. Supp. 2d 563 (S.D. Tex. 2005) (same).

Conclusion

When it comes to shotgun pleadings, appellate courts have given trial courts their marching orders: “to undertake the difficult, but essential, task of attempting to narrow and define the issues from the earliest stages of the litigation” in order to ensure “the orderly, efficient, and economic disposition of disputes.” *Ebrahimi*, 114 F.3d at 165. The Eleventh Circuit and the Mississippi Supreme Court have stated in no uncertain terms the courts’ intolerance for such pleadings. Thus, both plaintiff and defense counsel would do well to recognize the impropriety of shotgun pleadings and to do their part to put a stop to such pleadings. ■



Joe E. Basenberg

Joe E. Basenberg is a member in Hand Arendall’s Mobile office. Joe received his J.D. from the University of Alabama School of Law, where he was a member of the Alabama Law Review, and his B.A. from Birmingham-Southern College. He is recognized in The Best Lawyers in America for maritime law and mass tort litigation.



S. Leanna Bankester

S. Leanna Bankester is an associate in Hand Arendall’s Mobile office. Leanna received her J.D. from the University of Alabama School of Law where she was Senior Articles Editor of the Alabama Law Review and a member of the Trial Advocacy Competition Team. She received her B.S. from Birmingham-Southern College.

Bar Briefs

- The American College of Bond Counsel has named **Tom Francis**, a partner at Balch & Bingham LLP, and **R. Preston Bolt, Jr.**, a partner with Hand Arendall LLC, as Fellows.



R. Preston Bolt, Jr.

- The National Board of Trial Advocacy recently selected **Michael Chambers**, of Cabaniss Johnston, as its Alabama coordinator. NBTA is accredited by the American Bar Association to certify lawyers in the specialty areas of civil, criminal and family law trial advocacy.



Michael Chambers

- Making Children Aware of Predators announces that **J. Clayton Davie, Jr.**, of Davie & Davie LLC in Birmingham, has been appointed chief general counsel



J. Clayton Davie, Jr.

and CFO of the national non-profit organization.

- **Alec Moseley**, a member of Hand Arendall, is the author of the recently published *Alabama Construction Law*, a comprehensive and current reference tool for contractors, sureties, insurers, owners, and design professionals and the lawyers who represent them in construction industry transactions and disputes.

- **Scott A. Abney**, a shareholder with Maynard, Cooper & Gale PC, has been elected to the Board of Regents for the American College of Mortgage Attorneys. The board serves as the governing body of the ACMA.



Scott A. Abney

- **Sirote & Permutt PC** was recognized with the 2006 Diamond Award of Excellence by the USFN, a national not-for-profit association of law firms working in the mortgage banking industry. ■

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Alabama Law Foundation Announces Kids' Chance Scholarship Winners

Sometimes a dream can appear to be unattainable, but help and hope can bring it within reach. Kids' Chance scholarships provide help with college tuition or technical training costs for young people whose parent or parents have been permanently disabled or killed on the job. The Alabama Law Foundation proudly announces that 28 Alabama students were recipients in 2006 of Kids' Chance scholarships. Without Kids' Chance, these young people might not have the opportunity to reach their dreams of continuing their education. Kids' Chance scholarships certainly help with tuition costs, but they are more than money—they are hope.

Kids' Chance was conceived by the Workers' Compensation Section of the Alabama State Bar in 1992, and is administered by the Alabama Law Foundation, a non-profit organization dedicated to law-related charities. Kids' Chance scholarships

are funded solely by contributions from corporations, organizations and individuals. This year's awards totaled \$31,000, bringing over \$340,000 to the successful program that has benefited more than

100 students. Almost 40 Kids' Chance recipients have graduated and are working on master's degrees or are employed in areas such as education, healthcare and environmental science. ■

These students received Kids' Chance scholarships this year:

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 Kelly Randall Blackwell, Jasper
 Justin Michael Boyles, Russellville
 Keslie Paige Boyles, Russellville
 Staci Nicole Carroll, Duncanville
 Christopher Terry Cupit, Demopolis
 Robert Derek Fondren, Coker
 Jacques Tremaine George, Thomasville
 Ashley Virginia Hicks, Coosada
 Kendall Leigh Hollen, Southside
 Jarrod D. Jones, Madison
 Morgan Katherine Jones, Huntsville
 Ramsey Danielle King, Moulton
 Micah Joanna Lassiter, Butler

Lauren Tyler Maddox, Pleasant Grove
 Tara Michele Manley, Rogersville
 April Lee McGowan, Morris
 Ashley Jade Montgomery, Florence
 Leslie Rosaura Newton, Flomaton
 Maya N. Pace, Birmingham
 Terrence Markeal Patterson, Sweetwater
 Kayla Renee Peeks, Morris
 Kimberly Brooke Peeks, Morris
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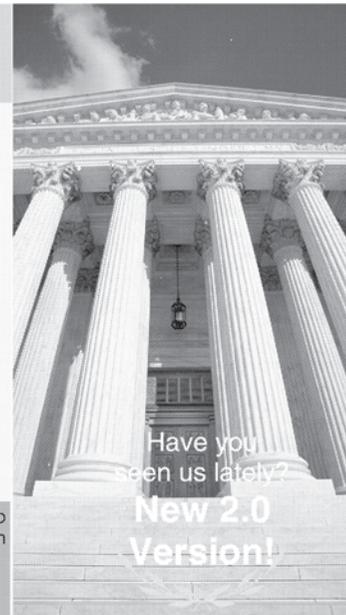
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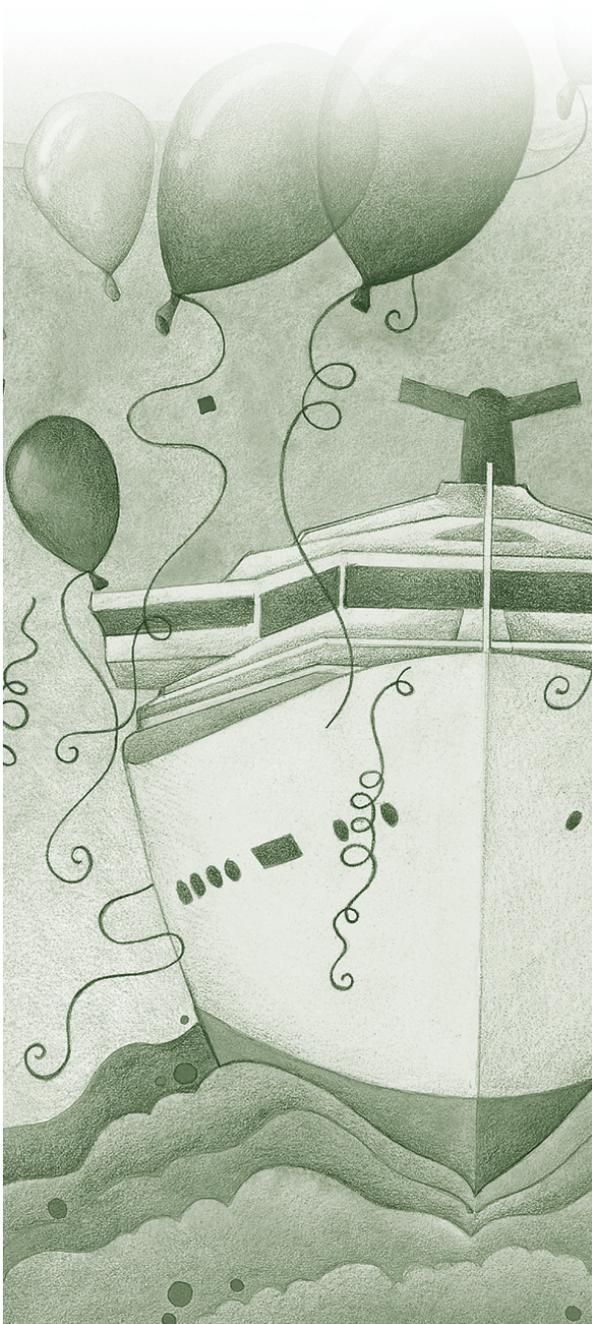
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Young Lawyers' Section



Roman Shaul



Congrats and Welcome Aboard!

Congratulations to all of the new admittees who recently passed the bar exam and to those who participated in the bar admission ceremony held this fall. As many of you know, the Young Lawyers' Section serves as the host for the bi-annual admission ceremonies held each May and October. In the last several years, we have received many comments and suggestions about this important event and have worked extremely hard to make this a truly great experience for the admittees and their families. The YLS has recently added value to the admissions ceremony by inviting all **three federal district courts** to hold their swearing-in ceremonies contemporaneously with the Alabama State Bar's ceremony. This means that a new admittee can get admitted to the Alabama state courts and all three federal district courts at the same time, instead of having to travel separately to each federal district. **Leslie Ellis** and **Chris Waller**, both of Montgomery, are the co-chairs of the Admissions Ceremony Committee and deserve a great deal of the credit for the hard work they put into each ceremony.

I hope everyone is planning on heading down to the annual Young Lawyers'

Section CLE program in Sandestin. We have already started planning the event which will be held May 18-19. It is a great time to see old friends and make new ones in a relaxed atmosphere. In the past, we have been fortunate to have tremendous speakers who offer practical insights and tips that have "real world" application, as well as sharing insight on some of the biggest cases being brought in Alabama. This event promises to be as much fun as always!

The YLS is extremely proud to be involved in many **community service activities**. This past year we participated in a workday at Father Purcell's Children's Home for severely disabled children. We hosted a minority pre-law conference in Montgomery and in Birmingham. We also established a lawyer in every classroom program that allows members from our group to speak to young adults and children about our legal system. Your Young Lawyers' Section is constantly striving to maintain the Alabama State Bar's motto, "Lawyers Render Service."

For more information about our organization and upcoming events, please visit our Website at www.alabamayls.org/.

Lastly, our organization could not operate without the hard work of the other officers and members of the Executive Committee. These highly motivated professionals are:

George R. Parker, president-elect, Montgomery
James M. Terrell, secretary, Birmingham
Robert N. Bailey, II, treasurer, Huntsville
Christina D. Crow, immediate past president, Union Springs
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J. Anthony McLain

Ethics of a Lawyer's Protection Letters

QUESTION:

Does an attorney have an ethical obligation to honor "protection letters" sent by the attorney to the creditors of a client, either at the client's request or with the client's knowledge and approval, when the client subsequently instructs the attorney not to pay the creditors?

ANSWER:

An attorney is ethically compelled to fulfill commitments made to a client's creditors pursuant to rules 4.1(a), 8.4(c), 1.15(b) and 1.2(d) of the *Rules of Professional Conduct*.

DISCUSSION:

It is a frequent occurrence in the legal profession that an attorney will represent a client who has a meritorious cause of action but who has also incurred substantial indebtedness. The client may have incurred medical expenses for treatment of the injuries which form the basis of the cause of action or the indebtedness may be the result of the client's inability to work due to such injuries or it may be that for some other reason the client is unable to meet his or her financial obligations.

If the anticipated recovery on behalf of the client would be sufficient to pay the client's debts, the client may ask the attorney to, or agree for the attorney to, contact the client's creditors and request forbearance in collection efforts in exchange for promise of payment upon receipt of settlement or judgment proceeds from the client's pending cause of action. Such written commitments on

the part of the attorney are commonly referred to as "protection letters."

It sometimes happens that upon receipt of the proceeds the client will have a change of heart and, despite the previous instruction or authorization, will instruct the attorney not to pay the client's creditors, thus placing the attorney in an ethical dilemma. The attorney is faced with the choice of either disregarding the client's express directive or giving the appearance of having lied to the client's creditors.

However, the *Rules of Professional Conduct* provide ethical guidance in addressing this dilemma. Rule 4.1(a), for example, provides, in pertinent part, as follows:

"Rule 4.1 Truthfulness in
Statements to Others

In the course of representing
a client a lawyer shall not
knowingly:

(a) Make a false statement of
material fact or law to a third
person"

Of similar import is Rule 8.4(c):

"Rule 8.4 Misconduct

It is professional misconduct for
a lawyer to:

(c) Engage in conduct
involving dishonesty, fraud,
deceit or misrepresentation."

While in many, if not most, instances, protection letters are provided in good faith, an attorney would be guilty of violating Rule 4.1(a) and Rule 8.4(c) if, at

the time protection letters were sent, the attorney had reason to believe, or even suspect, that the client did not really intend to pay the creditor.¹

Further guidance is found in Rule 1.15(b) which addresses an attorney's ethical obligations upon receipt of funds or other property in which a third person has an interest.

“Rule 1.15 Safekeeping Property

Upon receiving funds or other property in which a client or third person has an interest from a source other than the client or the third person, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding that property.”

It is the opinion of the Disciplinary Commission that an attorney who has sent a protection letter to a client's creditor and who is holding in trust, funds to pay the creditor, is ethically obligated by the above-quoted Rule to pay the creditor those funds which the creditor “is entitled to receive”.

Perhaps the Rule most relevant to the issues presented here is Rule 1.2(d), which provides, in part, as follows:

“Rule 1.2 Scope of Representation

(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent”

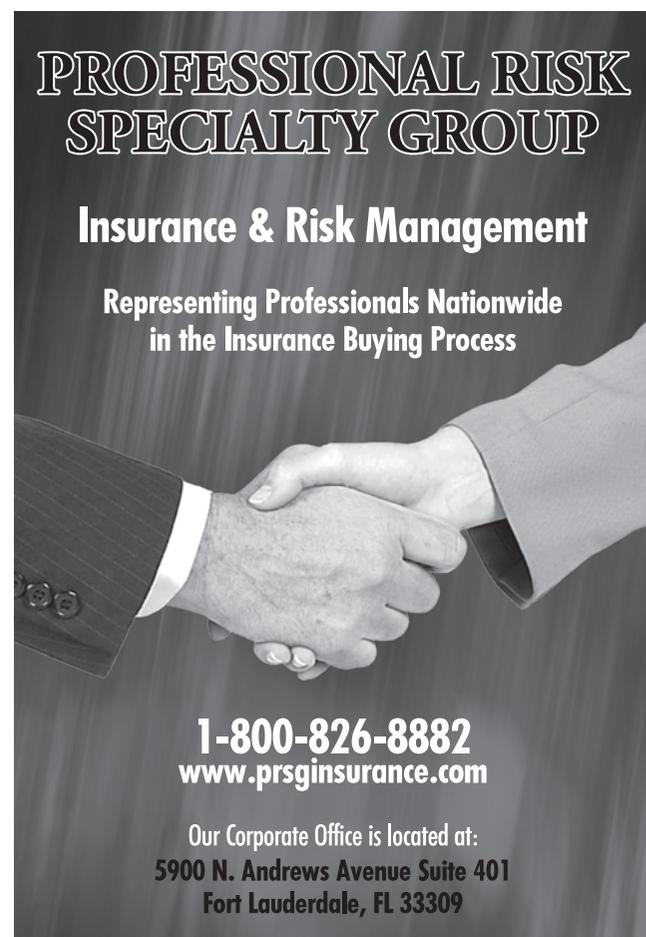
In RO-90-48, the Disciplinary Commission concluded that an attorney who releases all settlement or judgment proceeds to the client, after having told the client's creditors that the proceeds would be used to pay the client's debts, has assisted the client in a fraudulent act as expressly prohibited by Disciplinary Rule 7-102(A)(7), which is the verbatim predecessor, under the previous *Code of Professional Responsibility*, to the above-quoted Rule 1.2(d).

However, the Disciplinary Commission is of the opinion that RO-90-48 is due to be modified in one respect. The inquiry of the attorney requesting that opinion was whether he could ethically interplead the money claimed by a client's creditor when the client refused to authorize payment to the creditor. The Disciplinary Commission opined that he could ethically do so. The Commission wishes to refine this position further by holding that money which an attorney has promised to pay creditors should not be interpled unless there is a dispute between the client and the creditor as to existence of the debt, the amount of the debt or the reasonableness of the debt. Accordingly, RO-90-48 is hereby modified in accordance with this opinion.

In summation, it is the opinion of the Disciplinary Commission that the *Rules of Professional Conduct* ethically preclude an attorney from failing or refusing to honor his commitment to pay a client's creditors. The attorney is ethically obligated to fulfill his commitment and pay the creditors, despite the client's insistence that he not do so. However, this ethical obligation exists only where the debt, and the amount thereof, is reasonable and undisputed. If there is a legitimate question concerning the debt, or the amount of the debt, the attorney should interplead the disputed funds and let the court reach a determination regarding the creditor's claim. [RO-2003-02] ■

Endnotes

1. This predicament can be avoided by obtaining from the client written authorization to pay creditors. Such authorization should include language to the effect that the client acknowledges that the authorization is irrevocable and the client understands that when the attorney has made a commitment to pay the creditor pursuant to that authorization, the attorney is ethically obligated to do so, regardless of whether the client's preference in the matter may change. This language may be included in the attorney's employment contract with the client.



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Robert L. McCurley, Jr.

The Next Legislature

Twenty-one lawyers were elected to the Alabama legislature. When the legislature convenes this month for their organizational session, there will be 12 lawyers in the senate and nine lawyers in the house of representatives. Compare this to the legislature of 30 years ago that had 25 lawyers, with 14 in the senate and 11 in the house. The number of lawyers in the legislature has remained fairly constant at around 15 percent.

The party demographics, however, have changed as more Republicans have been elected.

In the senate there are 21 Democrats and 14 Republicans. This may have less to do with the organization of the senate than with other factors. In the house of representatives there are 62 Democrats and 43 Republicans, the same as the previous legislature.

There are also 28 new members in the legislature. New senators and their districts include: (6) Arthur Orr; (5) Charles Bishop; (7) Parker Griffith; (13) Kim Benefield; (17) Scott Beason; (20) Linda Coleman; (34) Rusty Glover; and (35) Ben Brooks. Four of these were previously in the house of representatives. These include the following new lawyers who are members of the senate, **Arthur Orr**

and **Ben Brooks**.

In the house of representatives, there are 20 new members with four of them lawyers. The new lawyers are **Earl Hilliard, Jr., Chris England, Ben Lewis** and **Marc Keahey**.

The senate will be presided over by Lt. Governor Jim Folsom while, most likely, the house will continue to be presided over by Representative Seth Hammett.

The supreme court and the courts of appeal all have a large number of new members. Interestingly enough, 18 members on the appellate courts are Republicans and only one is a Democrat.

On December 4, 5 and 6, the legislature was in Tuscaloosa for their three-day orientation. There were the typical state of the state addresses by Governor Riley, Lt. Governor-elect Jim Folsom and Chief Justice-elect Sue Bell Cobb.

Legislators heard from Dr. Alan Rosenthal, a national expert on state legislatures, who discussed "Restoring Confidence in Government." Dr. Breda Bova, senior advisor to the president of the University of New Mexico, related "Understanding Your Constituents," how baby boomers and generations X and Y interpret the same message in different ways.

One of the major topics of discussion



was Alabama's energy opportunities. Dr. David Bransby, with Auburn University, and Dr. Nick Tew, state geologist, Oil and Gas Board, related Alabama's availability to both bio-fuels and fossil fuels. Eric Smith from the Tulane Energy Institute related what other states are doing to meet the energy challenges.

Another topic of concern was early childhood. Dr. Judith Rizzo, executive director of the Hunt Institute for Educational Leadership and Policy from North Carolina, was a keynote speaker. Dr. Frank Franklin from UAB discussed childhood obesity while Dr. Joe Morton related the State of Alabama's educational system.

Legislators wanted to know about areas in which the state was making advances. Dr. Robert Kimberly, UAB, discussed medical advances in Alabama; Judge David Rains from DeKalb County discussed alternative sentencing and sentencing standards; and Dr. Jeff Thompson of UAH related Alabama's transportation infrastructure.

The legislature meets January 9 for a ten-day organizational session at which time the speaker of the house will be elected along with the speaker pro tem and the pro tem of the senate. Our newly elected state officers will be sworn in inauguration day, Monday, January 15.

The 2007 Regular Session of the legislature will begin March 6 and can stay in session for 105 days, adjourning no later than June 18.

For more information, contact Bob McCurley, director, Alabama Law Institute, at (205) 348-7411 or visit www.ali.state.al.us. ■

Robert L. McCurley, Jr.

Robert L. McCurley, Jr. is the director of the Alabama Law Institute at the University of Alabama. He received his undergraduate and law degrees from the University.



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The Alabama Lawyer no longer publishes addresses and telephone numbers unless the announcement relates to the opening of a new firm or solo practice.

About Members

Kevin L. Berry announces the opening of Berry Law Firm PC at 205 N. 20th St., Ste. 205, Birmingham 35203. Phone (205) 533-9495.

Jack T. Carney announces the opening of his office at 300 Vestavia Parkway, Birmingham 35216. Phone (205) 969-8181.

William Allen McWhorter announces the opening of his firm at 1908 Cogswell Avenue, Pell City 35125. Phone (205) 338-4411.

D. Tara Middleton announces the opening of a second office in Birmingham.

Kimberly A. Norris announces the opening of her firm at 401 E. Tombigbee St., Florence.

Jeff Patterson announces the opening of his office at Park Place Center, Ste. 204,

8650 Minnie Brown Rd., Montgomery 36117. Phone (334) 215-4446.

Rebecca Wright Pritchett announces the opening of Pritchett Law Firm LLC at 2001 Park Place N., Ste. 875, Birmingham 35203. Phone (205) 583-9090.

Burt Wheeler announces the opening of Newsome Law Firm LLC in Birmingham. Phone (205) 408-3024.

Among Firms

Adams & Reese LLP announces that Ray A. Carle, Edwin B. Cleverdon and Jonice Vanterpool have joined the firm as associates.

The Board of Directors of Alabama Power has named Mark A. Crosswhite senior vice president and counsel. Crosswhite most recently served as senior vice president and general counsel for Southern Company's generation business unit.

The American Bar Association Legal Opportunity Scholarship Fund

The American Bar Association Legal Opportunity Scholarship Fund is accepting applications for the 2007-08 academic year. The Scholarship Fund is intended to encourage racial and ethnic minority students to apply to law school and to provide financial assistance to these students. The Scholarship Fund will award \$5,000 annually to each recipient attending an ABA-accredited law school. Completed scholarship applications must be postmarked no later than March 1, 2007.

Applications can be downloaded from www.abanet.org/fje.

Akridge & Balch PC announces that John E. Searcy, Jr. has joined the firm as an associate.

Alford, Clausen & McDonald LLC announces that Marcus Tirrell Foxx has joined the firm as an associate.

Baker, Donelson, Bearman, Caldwell & Berkowitz PC announces that Andrea L. Bailey has joined the firm of counsel in the Birmingham office.

Ball, Ball, Matthews & Novak, PA announces that Alice H. Emfinger has joined the firm as an associate.

W. Gregory Biddle and H. Whitfield Strong, Jr. announce the formation of Biddle & Strong PC, 2100 First Ave. N., Ste. 340, Birmingham 35203. Phone (205) 328-3328.

Black & Hughston PC announces that D. Edgar Black has become associated with the firm.

Bradley Arant Rose & White LLP announces that Rachel S. Holzer has become a member of the firm in its Birmingham office.

Cabaniss, Johnston, Gardner, Dumas & O'Neal announces that Jennifer M. Anderson has joined the Birmingham office as an associate.

Campbell, Cherry, Harrison, Davis, Dove of Waco announces that Brandon Lee Ogburn has joined the firm as an associate.

Campbell, Waller & Peor announces that Jenifer Wallis has joined the firm as an associate.

Capell & Howard PC announces that Todd H. Cox has joined the firm as an associate.

Casey L. Jernigan announces her association with Chesser & Barr PA in Shalimar, Florida. Phone (850) 651-9944.

Christian & Small LLP announces that Richard Thayer, Joi Scott and Jason Avery have joined the firm as associates.

Cobb, Shealy, Crum, Derrick & Pike PA announces that James Hillary Pike has joined the firm as an associate.

The Consumer Financial Education Foundation of America, Inc. announces

that Richard K. Mauk, former acting clerk of the U.S. Bankruptcy Court for the Northern District of Alabama, has been appointed president and chairman of the board.

Brenen G. Ely and Joel S. Isenberg announce the formation of Ely & Isenberg, LLC, 600 Beacon Parkway W., Ste. 104, Birmingham 35209. Phone (205) 313-1200. Kathryn J. Ely has joined the firm of counsel.

Sandra Sarah Nichols announces her association with the Environmental Law Institute.

Fees & Burgess, PC announces that Nori D. Horton and Christopher M. Messervy have joined the firm as associates.

Frazer, Greene, Upchurch & Baker LLC announces that Robert J. Mullican has joined the firm as an associate.

Gibbs & Sellers PC announces that William Anderson Ward has joined the firm as an associate.

Gloor & Strickland LLP announces that Terry W. Gloor has joined the firm.

Hall, Booth, Smith & Slover PC announces that Rebecca J. Kirkland has joined the firm as an associate.

Hand Arendall announces that Paul Beckmann and Craig Campbell have become associates in the firm's Mobile office and A. Lee Martin, John Rollins and Brad Rowe have become associates in the Birmingham office.

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Kevin Allen McGovern announces his association with Harbert Management Corporation.

Warren Trent Harbison and Michael Jason Hoyt announce the opening of Harbison & Hoyt LLC at 28080 Highway 98, Ste. D, Daphne 36526. Phone (251) 626-4062.

Haskell Slaughter Young & Rediker LLC announces that W. Al Watkins has joined the firm in its Birmingham office as of counsel, and Ashley S. Hugunine has become an associate.

Haygood, Cleveland, Pierce, Mattson & Thompson LLP announces that Van C. Gholston has joined the firm as an associate.

Heninger Burge Vargo & Davis announces its merger with Garrison Scott PC and the name has changed to Heninger Garrison Davis LLC.

Hill, Hill, Carter, Franco, Cole & Black PC announces that Jayne Harrell Williams and David W. Henderson have become members of the firm and that W. Mike Hill, Jr. has joined the firm as an associate.

Hollis & Wright PC announces that Kathryn S. Harrington, Jennifer H. Lacy and Joshua L. Firth have joined as associates.

Hornsby, Watson, Hornsby & Blackwell announces that Jennifer L. McKown has become a member of the firm and the firm is now Hornsby, Watson, Hornsby, Blackwell & McKown.

Huie, Fernambucq & Stewart LLP announces that Jane G. Hall has joined the firm.

Jaffe & Erdberg PC announces that Mark Erdberg has joined the firm as an associate.

Christina Harris Jackson announces her association with Thomas Goode Jones School of Law.

Massey, Stotser & Nichols PC announces that Stephanie Lanier Weems is now a partner.

Maynard, Cooper & Gale PC announces that Adam Joshua Sigman has joined as a shareholder, and Abigail Hood Avery, Elizabeth T. Bates, Bryan A. Coleman, Thomas G. DeLawrence, Lauren Copper DeMoss, Casey Collins Graves, Tiffany Threlkeld Leonard, J. Ethan McDaniel, Andrew S. Nix, and Donald F. Winningham III have joined as associates.

McCallum, Methvin & Terrell PC announces that J. Matthew Stephens has become a shareholder.

J. Wesley McCollum and W. Todd Crutchfield announce the opening of McCollum & Crutchfield.

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Failure to file or publish a statement of ownership may lead to suspension of Periodicals authorization.			

Edward B. McDonough, Jr. PC announces that Deena R. Taylor has joined the firm as an associate.

Richard A. Meelheim of Pensacola announces that due to health reasons he is no longer *of counsel* to Meelheim & Dodson LLC. His status has been changed to inactive, in good standing.

Memory, Day & Azar announces their name change to Memory & Day.

Miller, Hamilton, Snider & Odom LLC announces that Andrew Patrick Anderson has joined the firm as an associate.

Morris, Haynes & Hornsby announces that Thomas E. James has joined the firm as an associate.

Robert J. Hedge and Charles L. Miller, Jr. announce the formation of Miller & Hedge at 162 St. Emanuel St., Mobile 36602. Phone (251) 432-8844.

Nix Holtsford Gilliland Higgins & Hitson PC announces that Jeffrey G. Hunter has become a shareholder.

O'Bryan Brown & Toner PLLC announces that Melissa Farmer Calabrese has joined the firm as an associate.

Pitts, Pitts & Williams announces that Jana Russell Garner has joined the firm as an associate.

Richardson Callahan & Frederick LLP announces that Jeremy A. Smith has joined the firm as an associate.

Rosen, Cook, Sledge, Davis, Shattuck & Oldshue PA announces that Cynthia Lee Almond has joined the firm as an associate.

Edith Schauble Pickett announces the formation of Shapiro & Pickett LLP at 651 Beacon Crest Parkway W., Ste. 115, Birmingham 35209. Phone (205) 323-7757.

Sirote & Permutt PC announces that Allison Lumbatis, Cheryl Oswalt and Kelli Robinson joined the firm's Birmingham office, and Katie Granlund, Bree Taylor and Victor Vasile joined the Huntsville office.

Spyridon, Koch, Palermo & Dornan announces a name change to Spyridon, Palermo & Dornan LLC.

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Continued from page 89

Starnes & Atchison LLP announces that Lindsey Tomlinson Druham, J. Bennett White, Patrick L. Lowther and H. Eli Lightner, II have joined the firm as associates.

Sutherland Asbill & Brennan LLP announces that Vanessa A. Scott has joined the firm as an associate.

Thomas, Means, Gillis & Seay PC announces that Christopher S. Genereux has joined as an associate in the Birmingham office, and Denise Wiginton, Roslyn Crews and Cythianther L. May have been promoted to associates in that office.

Thornton Law Office, Inc. announces that Bobbi J. Weeks has joined the firm as an associate.

Richard S. Dukes has joined the Charleston office of Turner, Padgett, Graham & Laney PA.

Walston Wells & Birchall LLP announces that Lee Birchall, J.W. Carpenter, Brad Cherry and Jonathan D. Thornbury have joined the firm as associates.

Watson, Jimmerson, Martin, McKinney, Graffeo & Helms PC announces that Frank S. Ward has become associated with the firm.

Wiggins, Childs, Quinn & Pantazis LLC announces that Herman N. Johnson, Jr. has joined the firm as an associate.

Williams, Pradat & Collins announces that Tyler D. Vann has joined the firm as an associate.

Yearout, Spina & Lavelle PC announces that Richard D. Whitaker has joined the firm as an associate.

Zieman, Speegle, Jackson & Hoffman LLC announces that Jennifer S. Holifield has joined the firm as an associate. ■

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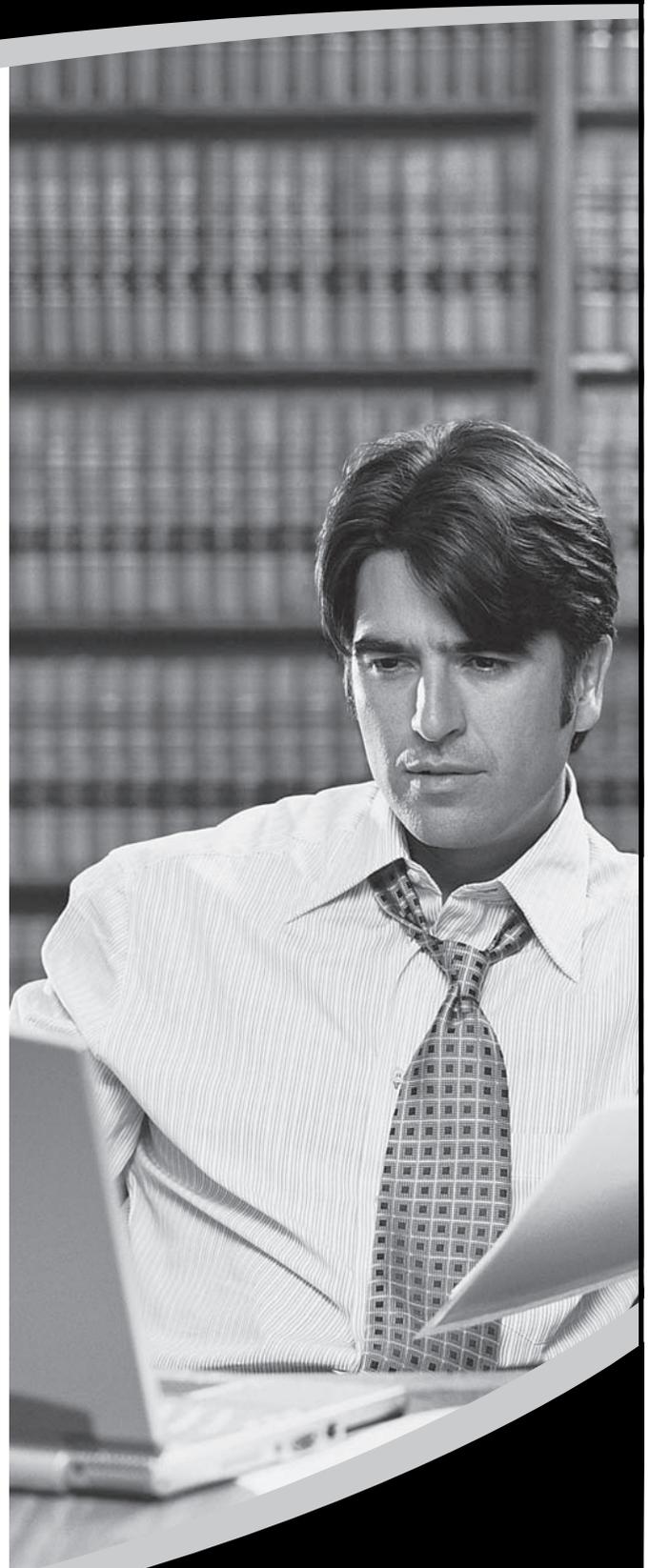


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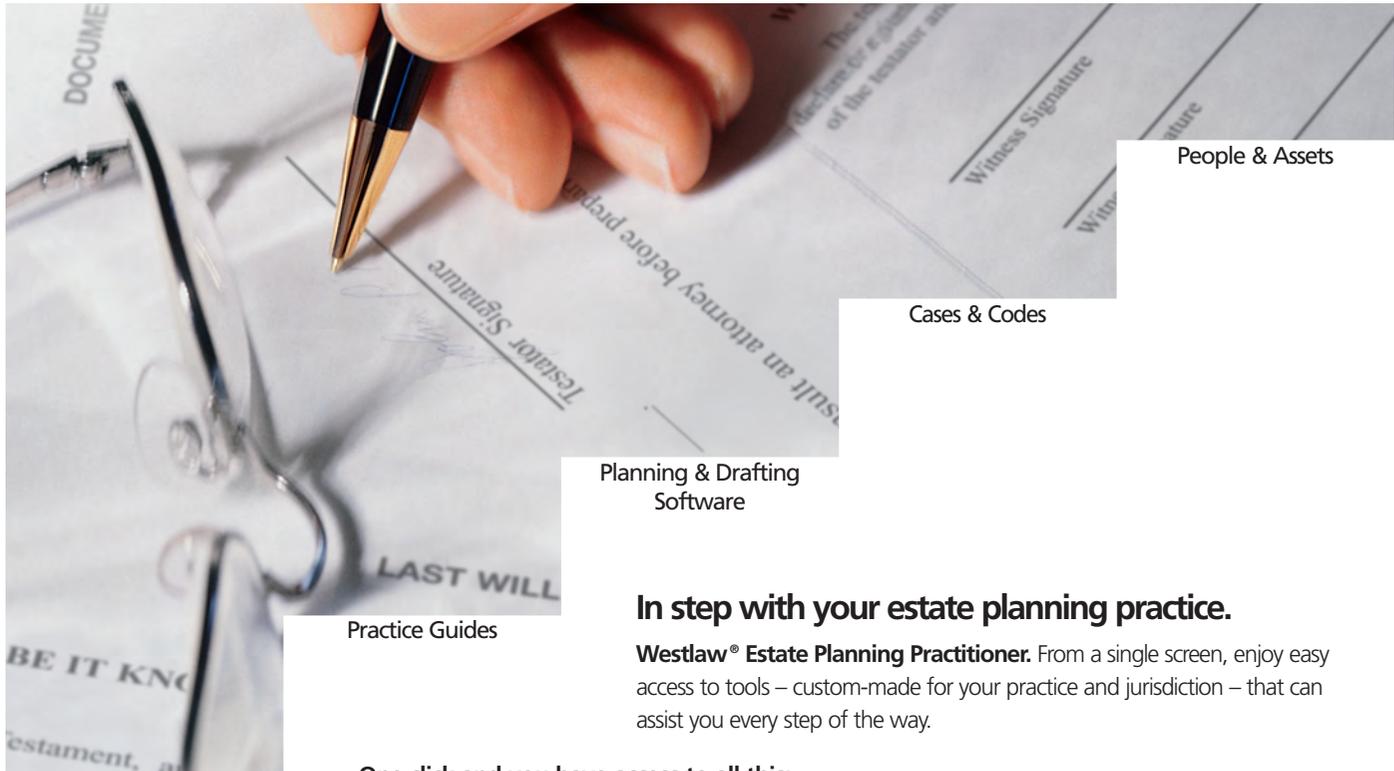
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- Asset locator, real property valuation and historical stock quotes that help you determine an estate's value

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