August 2016

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Short articles of general interest are always welcomed from ASB members. All materials submitted for publication in the *Addendum* are subject to editing for style, space and content. Send submissions as Word documents to *margaret.murphy@alabar.org*.

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# Addendum

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## A LETTER TO THE BAR About Our Future

Thank you for your overwhelming response to my last letter. It was great to hear from so many of you! Please continue to reach out to me and your state bar this year. An important task is



J. Cole Portis

facing our bar as Keith Norman, the longtime executive director, is retiring. Keith has served the bar for more than 30 years and as the executive director since 1994.

During his tenure, Keith has streamlined numerous bar procedures and practices to keep the bar running at maximum efficiency, incorporated and encouraged technology in every departmental function of the bar and paved the way for the unprecedented growth of bar membership. It is vitally important to maintain the momentum that Keith has built, and improve upon it. Losing him will be difficult, but with every difficulty a new opportunity presents itself.

This is a critical time for our state bar. The issues facing us are pressing and we have implemented an aggressive agenda to address them. To help move our bar forward, we must hire an effective executive director.

If you are interested in serving as the executive director of the Alabama State Bar, please apply. Or, if you know someone who is qualified, please encourage them to apply. Send a resume and letter of interest no later than **September 30**, **2016** to *executivedirectorjob@alabar.org*. If you have any questions, please contact me at *bar.president@beasleyallen.com* or *cole.portis@beasleyallen.com*.





#### "MAGNA CARTA: ENDURING LEGACY 1215-2015" Display Coming to Heflin-Torbert Judicial Building

Marking the 800th anniversary of the Magna Carta, a charter sealed by King John of England, recognized as the foundation of the rule of law in modern democracies, the American Bar Association's Standing Committee on the Law Library of Congress, the Library of Congress and its Law Library have selected the Heflin-Torbert Judicial Building in Montgomery to host the exhibit "Magna Carta: Enduring Legacy 1215-2015."

The Supreme Court of Alabama, the Federalist Society for Law & Public Policy Studies and the Blackstone Center for Law and Liberty at Thomas Goode Jones School of Law at Faulkner University are sponsoring the exhibit which will run October 11-31 in the rotunda of the Heflin-Torbert Judicial Building at 300 Dexter Avenue. The exhibit will be open from 8 am to 5 pm, Monday through Friday, and there is no charge for admission.

#### Notice of and Opportunity for Comment on Amendments to the Rules of the U.S. Court of Appeals for The Eleventh Circuit

Pursuant to 28 U.S.C. § 2071(b), notice and opportunity for comment is hereby given of proposed amendments to the *Rules of the U.S. Court of Appeals for the Eleventh Circuit.* 

A copy of the proposed amendments may be obtained from *www.ca11.uscourts.gov*. A copy may also be obtained without charge from the Office of the Clerk, U.S. Court of Appeals for the Eleventh Circuit, 56 Forsyth St., NW, Atlanta 30303 (phone [404] 335-6100). Comments on the proposed amendments may be submitted in writing to the Clerk at the above address by September 9, 2016.



"The Supreme Court of Alabama is honored to host this exhibit in our building," acting Chief Justice Lyn Stuart said. "I am excited to have this exhibit and invite everyone to come and learn more about the Magna Carta, a document which greatly influenced the Founding Fathers of our country and the republic which they created."

The exhibit, featuring images of objects from Library of Congress collections, an interpretive video and other materials illustrating the Magna Carta's impact throughout the centuries and how it came to be recognized as the foundation of modern democracy, gives visitors the chance to learn more about the document's enduring legacy. It has traveled throughout the United States for the past year and a half, showing in public buildings such as courthouses, law schools, state capitol buildings, universities and public libraries.

The exhibit is a joint project by the American Bar Association Standing Committee on the Law Library of Congress, the Library of Congress and its Law Library.

For more information, contact the Alabama Supreme Court and State Law Library at (800) 236-4069 or (334) 229-0578. Information will also be available at *http://judicial.alabama.gov*.

With more than 400,000 members, the American Bar Association is one of the

largest voluntary professional membership organizations in the world. As the national voice of the legal profession, the ABA works to improve the administration of justice, promotes programs that assist lawyers and judges in their work, accredits law schools, provides continuing legal education and works to build public understanding around the world of the importance of the rule of law.

The Law Library of Congress was established in 1832 with the mission to make its resources available to members of Congress, the Supreme Court, other branches of the U.S. government and the global legal community and to sustain and preserve a universal collection of law for future generations. With more than five million items in various formats, the Law Library of Congress contains the world's largest collection of law books and other resources from all countries and provides online databases and guides to legal information worldwide at *www.loc.gov/law/*.

The Library of Congress, the nation's oldest federal cultural institution and the largest library in the world, holds more than 158 million items in various languages, disciplines and formats. The Library serves the U.S. Congress and the nation both on-site in its reading rooms on Capitol Hill and through its award-winning website, *www.loc.gov*.

#### ALABAMA CIVIC LEGAL AID: A Client Becomes More than a Client–He Becomes a Friend

When **Sydney Dean** first began volunteering with the Madison County Volunteer Lawyers Program ("MCVLP"), little did she imagine the effect her volunteerism would have on her clients, let alone herself.



Sydney Dean

Dean initially took an assignment to assist a client obtain a more frequent visitation schedule with his children, who were residing with their aunt. After attempts at a negotiated visitation arrangement failed, the client was granted standard visitation by default. Once the default was entered, both the client and Dean began receiving threats of physical harm and death from the opposing party. These continued each time the client attempted to pick up his children for visitation. After several court hearings and the arrest of the opposing party, the threats ceased and the client was able to obtain visitation as scheduled.

During the time that Dean was helping the client with his visitation issues, she was also able to guide him in filing for disability benefits. The client was ultimately approved for disability. Through her involvement, Sydney developed a relationship with the client and she has continued to assist him with other matters over the past several years. He often calls her at different times to just "check in" and see how she and her family are doing.

Dean says, "Through the MCVLP, I have been able to help my client, and his children, create and maintain a relationship that, I have no doubt, would not have occurred but for the MCVLP. It is a very positive relationship and they love each other dearly. Statistics indicate that sons without a father's positive influence in their lives often end up in jail, using drugs, dropping out of high school and joining gangs. For daughters, positive father involvement results in less teen pregnancy, drug use and quitting school. I firmly believe that the MCVLP can proudly say that because of its involvement in the case, those statistics for my client's son and daughter are greatly decreased.

"As a side note, I have found it interesting that, without the specter of billable hours, representation was more 'pure' in that it did not continue because of money, but because of relationship. As a result, I have been privileged to develop a relationship with my client's family, and been privy to the deaths, births and other milestones in his family's life. It has been a long, legal road, but the MCVLP has been there for support every step of the way. Thank you, MCVLP, for this opportunity."

Dean's service to the client certainly extended beyond the scope of merely attorney-client. Since beginning her volunteer service with the MCVLP in 2010, Sydney has accumulated more 709 hours of reported pro bono service.

One cannot help but wonder what would have happened to this father and his children, like so many other clients, if there were not volunteers like Dean willing to give of their time and expertise to help someone in need.



#### OPEN POSITION

Alabama State Bar Executive Director

With the upcoming retirement of long-time Executive Director Keith Norman, the Alabama State Bar is seeking a new executive director. Those interested should send a résumé and letter of interest to *executivedirectorjob@alabar.org* by **September 30, 2016**.

The Alabama State Bar is an Equal Opportunity Employer.

## MEMBER BENEFITS SPOTLIGHTS



#### **Brooks Brothers**

Since 1818, Brooks Brothers has set the standard for modern American style. Throughout the years, Brooks Brothers has become a national icon revered for the quality and classic elegance of its services and merchandise for men, women and boys. And now the Alabama State Bar is proud to offer our members a Brooks Brothers discount.

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#### Corel

Believe it or not, many lawyers still use WordPerfect. And Alabama State Bar members are entitled to special discounts of up to 50 percent on WordPerfect Office x8, Perfect Authority for

## Mobile Bar Foundation to Host TRI THE GULF Trathlon

The Mobile Bar Foundation is approaching fundraising and increasing positive public awareness of the legal profession in the Mobile area in a unique, healthy, fun manner–at least from a legal profession standpoint. The foundation is organizing and will host the "Tri the Gulf" triathlon, which will be held Saturday, October 15 on Dauphin Island, kicking off at the Isle Dauphine Club. There are no other triathlons held in Mobile County and Dauphin Island provides a scenic venue for this event. The triathlon is designed with first-time participants and experienced triathletes in mind. All lawyers who are triathletes are encouraged to participate in Tri The Gulf!

> For more information, go to trithegulf.com.

## MEMBER BENEFITS SPOTLIGHTS

(Continued from page 4)

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- Promptly relays messages to you via email or text;
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### Alabama Lawyer Assistance Program



You take care of your clients, but...

## who takes care of **YOU**?

For information on the Alabama Lawyer Assistance Program's **Free** and **Confidential** services, call (334) 224-6920.



## BEYOND BABY STEPS: Technology Infrastructure (PART 3)

By Brian C. Focht

Presented at the 2016 ABA TECHSHOW by Brian Focht and Rochelle Washington and reprinted with permission

(This is part three of a three-part series. This installment will concentrate on document management systems.)

#### ASKING THE RIGHT QUESTIONS

Starting a new practice requires a lot of thought, a lot of luck and, hopefully, a little bit of money to help you get by.

You've already built up enough courage to open your practice. You've decided the basics of your new law firm, you know what kind of clients you're going after and you can't wait to get started. You've got this whole self-confidence thing down, right? Of course!

Let's face it-starting a new law firm isn't exactly for the risk-averse. So you're not ashamed to admit that you have questions. You know what you need to be *able* to accomplish to be successful, but you're not necessarily sure exactly which tools are the best ones to get you there. You need answers.

Getting answers starts with asking the right questions.

#### TAKING THE NEXT STEPS

Why can't we just give you the answers? Because we're lawyers-meaning the answer would always be "it depends." Sad, but true, because there is no cookie-cutter solution for technology in a small law firm. Different types of practices will have different needs. Instead, we are going to help you find the right questions. So stick with us. The questions we give you may be something for you to ask yourself, or to ask a vendor. They might relate to your practice, your preferences or the vendor's policies. But they're all important.

Generally, technology issues relate to one or more of these three topics: hardware (equipment), software and document/case management.

#### Question: What should I look for in a document management system? Answer: Quite a lot, really

Hopefully you have already skipped past the question "do I need a document management system." Of course you do. Document management allows you to store all your documents, and provides tools to use those documents in your practice. A good document management system will help you find relevant documents, create templates, access prior versions, and organize the documents into appropriate folders.

Documents are at the heart of any law firm, because they are the individual components that make up the case file. As an attorney, you have an ethical obligation both to protect the confidential materials in your clients' files *and* to return those files upon request. You also have an ethical obligation to perform competently, and (in a growing number of states, *http://www.lawsitesblog.com/* 2015/03/11-states-have-adopted-ethicalduty-of-technology-competence.html) with some technical savvy.

So, are you getting everything you can out of your documents? The right document management vendor can help, but only after they've demonstrated that you can entrust them with your clients' documents without violating your ethical obligations.

For a solo or small law firm, you should look for the following in a document management platform:

- Critical: Terms of service comply with your ethical duties (look them up, as they are specific and detailed), and if not, the company is willing to modify the terms in order to do so;
- 2. Cloud Based–for small firms, the flexi bility and security (http://legal-work

space.com/7-advantages-cloud-lawfirm/) offered by remote document storage with the ability to access from anywhere dramatically outweigh the negatives;

- Case/Matter-Based Storage-you need to be able to store documents primarily by matter, although still searchable by other means;
- Versioning-the ability to access and restore prior versions of the document;
- Audit Trail-you need to be able to track who accessed the document, when, and what actions were taken;
- 6. Check In/Check Out–collaboration is great, until it results in two versions of the exact same document just be-cause you were both working on it at the same time;
- Notes and Comments--the ability to attach notifications, messages, comments and other information to a document is becoming standard-fare in a collaborative world;
- 8. Fast Indexing and Search-the system does you no good if you can't find the documents you've stored.

Another thing you will want to consider is whether or not your law firm will be adopting a case management system. Several case management platforms either have their own document management system built in or offer direct compatibility with select document management providers.

**Remember:** Document management systems manage documents; case management systems manage cases. When asked to do the other's role, each falls short and lacks the necessary tools to do the other's job, **because it wasn't designed to do it**.

A solid document management system is something your law firm needs. Do your research, ask your questions (again, use this checklist), and start uploading those documents!

We recommend *NetDocuments, Worl-Dox, Open Text eDOCS* and *Smokeball*.

You can also get the essential components of a document management system for a lower cost by using a cloud-based document storage service

(Continued on page 8)

## Need more clients?

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#### WHY JOIN?

- > Expand your client base
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## OVERVIEW OF THE PROGRAM

- Referrals in all 67 counties
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#### Sign me Up!

Download the application at www.alabar.org/ membership/lawyerreferral-service/ or email LRS@alabar.org.

#### TECHNOLOGY INFRASTRUCTURE

(Continued from page 7)

and a little D-I-Y magic. These services offer the security (some are optional add-ons), versioning and audit trail you find in the Document Management Systems we discussed above, but require you to set up the file structure and perform a few other tasks manually (you'll need detailed naming conventions in place, https://lawyerist.com/13892/organize-paperless-client-files/)

We recommend *Box Dropbox, Google Drive and Amazon Cloud Drive*.

#### Question: Do I need case management software? Answer: You don't need it, but test them all and see what you think.

You don't *need* it, just like you don't *need* multiple monitors. However, the right case management system can really help to streamline your practice, putting all of your important information about *all* of your cases in one easy-to-find location.

For small law firms, particularly those just starting, the cloud-based case management systems are likely the *only practical options* from a financial point of view, which is fine, because they have some amazing options.

To be fair, even after years of innovation and growth, it's true that the cloudbased options remain less complex and fully-featured as some of the enterprise versions (their cost, in part, reflects this). Additionally, they rely heavily on usercustomization of key features to accomplish a lot of tasks. However, that customization allows you to adjust much of the platform to fit your practice, assuming you have the time and interest in doing so. When researching your options, look for the following in a case management platform:

- 1. **Critical**: Terms of service comply with your ethical duties (*look them up, as they are specific and detailed*), and if not, the company is willing to modify the terms in order to do so;
- 2. Inquire about trial periods-most allow you to try their product for 30 days for free so *take advantage* of this and try as many as possible;
- 3. Does It Fit-this is *critical*-many cloudbased practice management platforms, while customizable, may not fit for particular types of practices (for

example, none of the leading systems have a real fix for litigation involving multiple parties, other than massive and overly-tedious customization)

- 4. Determine Key Needs–since each of the services have slightly different strengths and weaknesses, you need to first determine what your primary goals are
  - a. If the biggest issue you want to solve is group-based task management and automating task creation, look for tools like MyCase's *Workflow*;
  - b. On the other hand, if making sure that your clients have secure communication and access to documents, Clio's secure portal, *Clio Connect*, will interest you
- 5. Assess third-party integrations-most of these platforms are expandable, so learn which ones connect with the most tools you already use; and
- 6. Do You Like It? If you're not comfortable with the layout, the load time between screen changes, even the color, then don't use it. You're going to be using this system for all of your case-related information (meaning a large percentage of your day), so if you don't like how it looks or responds, dump it.



We recommend Clio, MyCase, Rocket Matter, Action Step, Firm Central, Lexis-Nexis Firm Manager.

#### Question: I know data backup is important, but should I backup locally or to the cloud?

#### **Answer: Both**

Ensuring you have reliable data backups is absolutely critical. These days, there's no shortage of reasons why you'd need to access a data backup. Power outages, bad storms, corrupt files. Don't even get me started on *Crypto-Locker Malware*. The only cure for those problems is restoring your system with a recent data backup. So what do you need from your data backup system?

- All key data must be backed up-not just your computers (we live in the mobile era, and you'd better be backing up your clients' data wherever it is);
- 2. Redundant backup-more than one;
- Backup is stored locally and offsitemake sure the same flood (or power outage, or fire) can't destroy all of your backups;
- 4. Backups made continuously throughout the day-the oldest backup in your system should be no more than 12 hours old.

Ok, so now that we understand that we need backups kept both locally and offsite, what's the best way to do that in your new law firm?

For your local backup, an external hard drive is a *reasonable and cost-effective* option. However, be wary of purchasing external hard drives from brands you don't recognize and without doing research. A burned out data backup inside a cheap hard drive is *really* bad news. A couple of options are:

#### For PCs

Seagate Backup Plus Slim (4TB External \$149.99)

With 4TB of storage, you have plenty of space to backup all of your data in a solid, highly-rated hard drive, with rapid data transfer to reduce backup time.

#### **For Macs**

#### **Apple's AirPort Time Capsule** (\$299.00 2TB; \$399.00 3TB)

Like most things Apple, Time Capsule does more than similar-sized hard drives: it's also an 802.11ac wireless router and it'll run your backups through Time Machine wirelessly and automatically.

Your offsite backup needs to have some geographical separation (http://www.cioup date.com/trends/article.php/3872926/Disaster-Recovery-Planning-How-Far-is-Far-Enough.htm) from your office. Having some geographical diversification can be beneficial as well. That way, the chance of your local and offsite backup being compromised by the same event is negligible. For small law firms, the best and most cost effective way to do this is through a cloudbased data backup vendor.

So make sure that your backup service vendor has answers for all of those. Oh, and don't forget the checklist (*http:// www.thecyberadvocate.com/downloads/ third-party-vendor-checklist-2/)!* 

We recommend Carbonite, CrashPlan, Backblaze and Mozy.

#### **KEY CONCEPTS**

Now that you know the critical questions, as well as how entertained we apparently are by going all Socratic Method on you, hopefully you feel better equipped to begin your journey. Some critically important things to remember, our key concepts from this presentation:

- Prioritize your purchases based on your answer to Question 1.
- Your office's initial setup will likely be Spartan in nature, but you cannot afford to skimp on the very tools and equipment that you'll need to successfully navigate your clients from the beginning of their case to the end.
  - What equipment will you absolutely need in order to get your client from the beginning to the end of representation-that equipment *must* be purchased and operational before anything else!
  - Big things to avoid or skimp on: trappings of a "big firm lawyer!" Don't purchase anything based on your pre-conceived notions of what an office should look like.

- At the beginning, up-front costs are the enemy.
  - What equipment/software purchases can you avoid by paying a much smaller monthly payment for a service?
    - o Fax machine vs. eFax service
    - o Hosted solution vs. in-house server
- Get the most out of everything you purchase–failing to understand what certain tools and software are capable of is a poor use of an investment.
  - For example, did you know that you can probably email documents directly from your desktop scanner? Did you take advantage of the free cloud storage that came with your backup hard drive?
  - When it comes to your software, learn everything you can about it. Do you have any idea how to use the functions in Microsoft Excel or set up Macros in Microsoft Word? If you don't know how to use the tools within your software, you'll never understand the potential benefits you could reap.

#### CONSIDERATIONS FOR THE NEXT NEXT STEP

Getting a little anxious? Well, here are some technology issues you can try and tackle once you've gotten your office set up, and hopefully gotten a revenue stream coming in. If you have any questions about what we've discussed, or these topics below, feel free to contact either of us to discuss!

- In-House Server vs. Hosted Network;
- The Best Setup for Office WiFi;
- Mobile Device Management;
- IT Services/Digital Security;
- Collaboration software;
- VoIP Phone Service;
- Video Conferencing;
- Law Firm Project Management;
- Document Automation Systems;
- Client Relationship Management ("CRM"); and
- Conflicts checking software.

#### 2016 Recipient of Justice Janie L. Shores Scholarship Announced

The Women's Section of the Alabama State Bar, along with the Alabama Law Foundation, established the Janie L. Shores Scholarship in 2006 to support a female Alabama resident attending an Alabama law school. The Alabama Law Foundation announces that Morgan Means has been awarded \$5,100 as the 2016 winner of the scholarship. As Christina Crow, chair of the scholarship committee, explains, "The Women's Section of the Alabama Bar is proud to honor the hard work and dedication of female attorneys past and present through the presentation of the Janie L. Shores Scholarship to Morgan Means." The scholarship is named in honor of the first female Alabama Supreme Court Justice, who was elected in 1974.

Means was born in Gadsden, and plans to return to her hometown after graduation to "make a difference in my community." She graduated from Jacksonville State College in 2016 with a BA in political science. Her academic awards include President's and Dean's list and she was the recipient of the Judge H. Dean Buttram Scholarship 2015-2016.

Means is married to Jordan Means and she says she could not continue to pursue her goals without his support. The ambitious young couple has two boys: Milo, three, and Linus, two. Means has worked as a legal assistant since 2004, and currently works for Jared D.



Justice Janie L. Shores

Vaughn. She plans to remain employed as she begins law school at the University of Alabama in the fall. Clearly, she is the epitome of young women lawyers who are hard-working and dedicated.

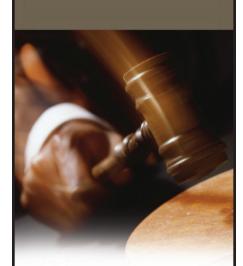
Means is planning to specialize in family law, about which she says she is "passionate." She just finished work on a case involving adoption and she is also interested in helping children and women in neglected or abusive situations.

Means was recognized at the Maud McLure Kelly Award Luncheon during the Alabama State Bar Annual Meeting. The luncheon is named in honor of Alabama's first woman lawyer, who continued blazing pathways by becoming the first female lawyer in the country to plead a case before the U.S. Supreme Court. A silent auction, held the evening after the luncheon, raised money for the scholarship.

### **IMPORTANT NOTICE** County Attorney Position Available

#### Jefferson County, Alabama

The Jefferson County Commission is seeking a lead county attorney with a minimum of 20 years of legal experience, preferably with meaningful experience in governmental issues. He or she will manage an internal staff of seven, as well as multiple outside attorneys. This attorney will advise and represent the commissioners, other county elected officials, the county manager and other county employees on a myriad of legal issues. An attractive salary and benefits package is included. Send a resume in confidence to *stephensj@jccal.org* or Commission President, 716 Richard Arrington Blvd., Ste 210, Birmingham 35203.



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