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ADDENDUM

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Adoption of the *Alabama Rules for Expedited Civil Actions*

The Alabama Supreme Court has adopted the *Alabama Rules for Expedited Civil Actions*. These rules are effective January 1, 2017. The order adopting these rules appears in an advance sheet of *Southern Reporter* dated on or about October 27, 2016. The *Alabama Rules for Expedited Civil Actions* were drafted in response to Act No. 2012-492, Ala. Acts 2012, codified at § 6-1-3, *Ala. Code* 1975. The rules create a voluntary process intended to promote the just and efficient determination of the cases to which they apply: Civil actions in the circuit court where the damages, inclusive of interest, costs, and attorney fees, do not exceed \$50,000. The rules do not apply to actions involving: (1) domestic relations or family law, (2) real-property law, (3) tax law, (4) workers' compensation claims and (5) claims as to which no money damages are sought. The text of these rules can be found at <http://www.judicial.alabama.gov>, "Quick links–Rule changes."

—Bilee Cauley, reporter of decisions, Alabama Appellate Courts



Judge Angela Dawson Terry: Protecting the Most Vulnerable

By J. Cole Portis, president, Alabama State Bar

In the last issue of the Addendum, President Portis talked to Legal Services Alabama Board Member LaVeeda Battle about her background and how she became involved in "Access to Justice" for the citizens of Alabama.

In this issue, the author had a chance to meet with District and Juvenile Court Judge Angela Dawson Terry of the 36th Judicial Circuit in Moulton about her path to the bench and her experience with the foster care system in the state. Cole and Joy Portis have served as foster parents for more than six years. They feel blessed to be able to care and advocate for vulnerable children in Alabama. Their challenge to lawyers, who understand the importance of charity to those who need it most, is to be engaged on the front lines of this battle to care for children who have been abandoned and orphaned.

You have been a district and juvenile court judge since 2009. What has been the most satisfying part of your job, and the most surprising?

I was appointed district and juvenile court judge for the 36th Judicial Circuit, effective March 1, 2009, by Governor Bob Riley upon the retirement of the former district judge. Pursuant to the Code, I had to be on the ballot in the next election cycle. I ran in November 2010 and was elected, and was very grateful to be unopposed this year.

I would definitely say one of the most satisfying parts of my job is doing the adoptions of foster children. That is one day when everyone is happy. We have already been through the dependency part of the case and often a very hard-fought termination of parental rights. Those parts of the case are very hard on everyone. When those are over and the necessary time has passed, the adoptions are filed. I have had adoptions where it appeared the entire extended family came to court.

I used to be hesitant to be in the pictures, but now I realize how important it is to the adoptive family to record that day. Adoption day is for adoptive parents what delivery day is for biological parents. As we know, parents are parents.

I must add that another rewarding part is when I work with people who are addicted to drugs and successfully complete a rehabilitation program and remain clean. When you can see them gain weight and re-establish relationships that have been broken for years, it is rewarding. These people are also the most thankful. When you see them or their family out in public, they do not hesitate to say that you are the one who let them, their son, daughter, etc. go to rehab. They might also add, "[S]he made him sit in jail a while before she let him go. That was the best part—she gave him time to get his head straight."

The most surprising thing is truly how well people respond to my no-nonsense style of court. When I became a judge, I tried to remember all those times as a lawyer that I thought, "If I ever become a judge . . ." I feel like I run a pretty tight ship and I think most appreciate it.

We all have sickness and death from time to time and that is totally understandable, but I also try to consider that I have a hundred people who appeared for court (by missing work) because a warrant would issue if they did not, so if I have a sniffle or minor pain, I don't think that should close us down.

I do not like continuances for continuances sake. I try to resolve all the cases



that are in a particular setting. I have what I consider a pretty normal dress code, but if you violate it, you are put out of the courtroom until you find sufficient clothing or covering. If you have an outburst in court, you have to serve at least 24 hours in jail for contempt. The things that I thought might seal my fate as a “has been” have served to form how people see me as their judge. That has truly been surprising.

As part of your position, you work with DHR, guardians for children and lawyers for interested family members once a child is taken into care by DHR. Why should lawyers who do not practice in this area of the law care about the wellbeing of these children?

I regrettably did not practice in this area of law with much frequency prior to becoming the district court judge. I did a lot of domestic relations work, but that is a totally different animal. In my opinion, the dependency cases are the hardest, both mentally and legally. The attorneys for the parents often have very little or nothing with which to work with. The guardians ad litem know everything about the children and, often, that is very tough.

I often tell my lawyers that juvenile court is not where you get rich. Many

other areas of law will provide a better living, but no other area will stretch them in their ability and emotions as much as juvenile court. Having juvenile court as part of one’s practice will make them a better lawyer in all other areas. I see hard-fought advocacy in juvenile court on a regular basis. I have had guardians ad litem really press their position with the court because they are advocating so hard for a child.

Lawyers should care about the foster children because it is a moral, as well as a professional, obligation. These children deserve every opportunity. They deserve the best attorneys possible. Without going into statistics of how abused and neglected children often grow to be troubled adults, anyone who does criminal defense work at the higher felony level always wants a history of the person for mitigation purposes. So much heartache could be avoided for both the children and society if all of our children were properly cared for.

How can our state bar members help foster children?

The lawyers in our state can help foster children in many ways. One very good way would be to attend the training to become a certified guardian ad litem. That would give them a very good feel of the work and they could determine if it is an area they would like to explore.

They could check with their presiding juvenile court judges to see if they could use additional lawyers to represent the parents in the dependency cases. Contrary to popular belief, lawyers are still among the most respected people in our state.

If lawyers would advocate for projects such as the **SuitGrace Initiative**, they have a very broad reach.

Lawyers are the leaders in their communities, churches and civic organizations. They can raise awareness for these children. I learned quickly that people want to help, but in this area they are hesitant because most people assume the foster children are “taken care of.” When asked how, they cannot answer.

What is the “SuitGrace Initiative” and how has the program affected foster children in Lawrence County?

The “SuitGrace Initiative” has been one of the most rewarding projects of my legal career. It is a project to provide age-appropriate luggage with suitable personal items and “luxuries” for each foster child in our county.

I first started thinking of this project when I attended a conference in the spring of 2015. It was at that conference that I was shown the book *Three Little Words* by Ashley Rhodes Courter. She was a former foster child in Florida and the book was her memoir. Repeatedly in the book she references her belongings being in garbage bags for a move. She referred to feeling as useless as the items in the bag. Later in 2015, I was on a panel for a conference and had the opportunity to question two ladies in their mid-20s who had aged out of the foster system in Jefferson County. I asked them if a suitcase would have meant very much to them. My thinking was we do not need to expend time, energy and resources on this if it is not consequential to the actual foster child. One told me she still had the suitcase and matching cosmetic bag she received when she was 13. They confirmed my thoughts that somehow these

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suitcases add much needed self-esteem and worth to the situation.

The Lawrence County Children's Policy Council approved the project at our September meeting. At that time, we had 25 foster children in Lawrence County. A committee was comprised of **Dr. Jerry Armor**, director of the Policy Council; **Corey Williams**, director of the Lawrence County Department of Human Resources; **Shannon Cassidy**, a representative from Mental Health; **Karen Lang**, chief juvenile probation officer; and **Stephen Bennefield**, pastor of the First United Methodist Church in Moulton.

We estimated that \$50 per child would cover the bag and the personal items to be included. Within a month, we had bags, contributions and commitments for all 25 children. Some donated the suitcases. Some gave \$50. Some took a particular child to provide the bag. Some of the children's lawyers became their suitcase sponsors.

We were interviewed by the local newspaper, which gave us great publicity. I spoke to every organization and church that requested I come speak. I went as a representative of the Policy

Council with the statistics and information I had on foster care in general and Lawrence County foster children in particular. As anyone who works with the foster system knows, it is fluid. Since our original list, we have added a teenage boy and an infant girl and had one released from custody to go into state mental health custody.

Our Policy Council was incorporated as a non-profit in 2012, so it was in an excellent position to be the umbrella for this project. As the juvenile court deals with children otherwise before the court, a children's policy council is to benefit all children within the particular county from 0-19 years of age.

Who is your role model and why?

My role model for my legal career has been Atticus Finch. I know he has somewhat fallen out of favor over the last year or so, but the entire legal process was laid bare in *To Kill a Mockingbird*. Anyone who knows me knows that it is my favorite book and my office bears witness to this with my numerous copies, photographs and other memorabilia.

Although Atticus was a lawyer, he can be used as a role model for a judge. We must be true to the law and fair to

everyone who comes before us. We must stand for what is right, even if it is unpopular. I heard a current Justice of the United States Supreme Court say that the cases that stay with him are the ones where his heart goes one way and the law requires a different result. These are by far the hardest cases, but we must know that if we go with our heart, we would have inconsistent rulings and the lawyers and litigants would never know how to approach their cases. I have issued many rulings where I was not very popular and, honestly, I did not like my ruling (nor the winning party), but it was pursuant to the law and it was fair.

I find that people know that Lady Justice is to be blind, but they think only as to certain persons. In other words, the poor and downtrodden are to get a fair day in court. I fully agree, but so are the rich and arrogant. Blind is blind. Fair is fair. Atticus was good to the poor, the mean, the dirty and the arrogant. I do not claim to have the calm demeanor of Atticus, but over time, I feel I am developing a judicial demeanor. I still doubt that if someone spit in my face I would have the fortitude to say I just wished he did not chew tobacco. <



Let Me Hear from You!

> Rondi Mosteller and DHR Helping Families

By Amy M. Hampton

Since she was 12 years old, Rondi Mosteller knew she wanted to be an attorney. As an assistant attorney general with the Department of Human Resources, a position she has served in for about three years, Mosteller found her calling. She mainly works in Montgomery, Autauga, Elmore, Lowndes, Dallas and Macon counties, but can be called to almost anywhere in the state if needed. After graduating from Thomas Goode Jones School of Law, she was in private practice before working for the state. Mosteller loves guardian ad litem work and has always been drawn to children in need.

She sees her main focus with DHR as helping families work through difficult situations and serving others not as fortunate as she. Mosteller is there for the children and helps to see what is best for them in the long term. With reunification being the ultimate goal, she is realistic in knowing that not every situation can result in families remaining together.

The basics of what happens when DHR “takes” children:

1. A call is made to an intake office to report abuse or neglect.
2. For pickup, the child must be in imminent danger, and a petition is filed.
3. A guardian ad litem is appointed immediately upon a pickup order’s being issued.

4. A shelter care hearing **must** be held within 72 hours of pick up—no days off for holidays or weekends.
5. An ISP (individual service plan) is suggested if the child is deemed dependent at the shelter care hearing. The ISP sets goals for the family and spells out what has to happen to get DHR out of the picture. The family is usually not able to meet all the requirements of the ISP within those first 30 days, so the family has 11 months to work on meeting all the goals of the ISP.
6. An adjudicatory hearing is held to show the dependency of the child to keep the child in the court’s jurisdiction. There has to be no one willing and able to care for the child for the state to be able to keep the child and place him or her in foster care.

Mosteller would prefer the time period be shortened, if permanency can be reached quicker so that the children are not in the system so long. It takes people of courage and compassion, like Rondi Mosteller, to do the work necessary to protect and watch over some of our most vulnerable citizens. She says that the system works when we all work together. Then, every child will have a home. <

Amy M. Hampton practices with Fuller Hampton LLC in Alexander City.



I recently sent a letter to all members of the Alabama State Bar, letting you know that this is your bar. In the letter were three ways to contact me:

- > Click on the “Better Bar” banner on the home page at www.alabar.org;
- > Send an email to me at cole.portis@beasleyallen.com; and
- > Call/text me at (334) 451-0856

I want to hear from you. I want to hear the good and the bad. I want to hear praise. I want to hear criticism. And, mostly, I want to listen to your ideas about how we can improve our bar!

—JCP

> Suitcases Can “Lighten The Load” For a Foster Child

By Jennifer A. Sellers



How important is a suitcase, really? To the thousands of children in foster care in Alabama, a suitcase means much more than you think. It means something to call their own, a place to put their sometimes meager belongings for safekeeping and at least one constant thing in their life as they move from place to place, until, hopefully, finally going home.

Stories of children arriving in foster homes at all hours of the day and night with the few possessions they had time to grab stuffed in garbage bags or plastic grocery bags are the norm, not the exception. It is dehumanizing to stuff your entire life into a trash bag.

The Juvenile Court contract attorneys in St. Clair County decided it was time to do something to help our foster children outside of the courtroom as well as inside of it. Our project is called the “Lighten the Load Campaign” and can be found on Facebook at <https://www.facebook.com/LightentheLoad2016/>. It was slow going at first, but when the community learned about this project, we were humbled by the response. We asked for donations of new, hard-sided, rolling luggage. The initial goal was 99 pieces because that was the number of children in foster care in

St. Clair County at the time the project began. We met that goal within a couple of months and the project will continue indefinitely to serve those children brought into care in the future.

I believe this is a simple, but important way to provide these children with a physical necessity and the knowledge that their community cares about them. Every county bar can do this and we

would be delighted to help you get started. As attorneys, it is imperative that we assist those who need it most and I can’t think of a more deserving group of our attention than foster children. <

Jennifer A. Sellers of Pell City serves as president of the St. Clair County Bar Association.

COMING SOON



Statewide Survey of Attorneys!

The Alabama State Bar is collaborating with the Alabama Access to Justice Commission and the Alabama’s five volunteer lawyer programs to conduct a statewide survey of all Alabama attorneys. The purpose of the survey is to quantify and recognize the pro bono work done by attorneys, as well as to understand the factors that encourage or discourage pro bono service. Please be on the lookout for the survey link which will be emailed in January.

FULL PARTICIPATION IS ENCOURAGED!



> Helping Families with Special Needs Children

By Joseph K. Beach

After hearing from Jesus that we should love our neighbor as ourselves, an expert in the law asked Jesus, "Who is my neighbor?" Jesus then told the story of the Good Samaritan. As you may recall, a Samaritan, who was despised by the Hebrews, was the hero of the story when he helped a man who had been beaten and left for dead on the side of the road. The Samaritan took care of the injured man and paid his health care bill. How can we use this story to help us help our neighbor?

Families with special needs children need our help as individuals and as lawyers. In addition to patience and kindness, what can we do to help these families?

When working on estate planning for a family with a special needs child, the attorney will want to review the current wills/revocable trusts to ensure that there is a special needs trust (sometimes referred to as a "supplemental needs trust") in place for the child's lifetime. The purpose in having such a trust is for the child to continue to be eligible for needs-based governmental and charitable assistance and have the trust assets used only to pay expenses that would not be paid by the needs-based resources. Otherwise, the trust could be treated as a

resource. An alternative to having a separate trust for the child would be to use the Alabama Family Trust (www.alabamafamilytrust.com), a non-profit pooled trust. Parents should consider who should be named as guardian for their special needs child. Well-drafted Advance Directives for Health Care and Powers of Attorney will also be a part of the mix. Rounding out the estate planning, attorneys should work with their clients to ensure that the clients have properly completed the beneficiary designations for their retirement accounts and life insurance so that these assets will not pass outright to a special needs child. Attorneys should consider the so-called "trust rules" and income tax consequences when retirement benefits are payable to a trust. Parents may also want to consider obtaining long-term care insurance for themselves. Depending on the situation, the special needs individual may need to execute their own estate planning documents.

Providing high quality legal services in a caring manner can save families with special needs children the hassle and heartache of dealing with lost resources. You can help our neighbors. <

Joseph K. Beach practices with SunTrust Private Wealth Management in Atlanta.

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> Willow, the Wonder Dog

By Brooke Marshall

A young girl recently told her new teacher, "I just want to tell Willow how much she has helped me." Willow, a black Labrador-Golden Retriever mix, greeted this young girl when she arrived at Child Protect Children's Advocacy Center in Montgomery after the girl was removed from her home due to severe abuse and neglect. Willow stood alongside the girl when she went for her medical exam. Additionally, Willow played cards by picking them up off the floor, used her nose to turn the pages of a book and engaged the girl in activities while she waited for her exam, and Willow eagerly awaited the girl's return when the exam was complete.

Willow is a facility dog that works with Tamara Martin, a volunteer victim advocate in Alabama. Willow was placed with Martin in May 2014 as a Courthouse Dog.* Although Willow was trained as a service dog, she was placed in an agency setting; therefore, she is referred to as a facility dog. Today, Willow has worked in all phases of the court system from preliminary hearings to sentencing and usually works with 35-40 victims and family members a month.

Willow assists victims and witnesses by lying quietly at their feet while testifying in court and grand jury proceedings or by accompanying children during forensic interviews and counseling sessions. Willow was bred and raised

by Canine Companions for Independence (CCI). CCI is a service dog organization accredited by Assistance Dogs International. Willow trained for two years, knows approximately 40 commands and is valued at \$50,000. CCI provided Martin with two weeks of intensive training at their campus in Orlando prior to Martin's working with Willow. As a result, Martin and Willow were certified as a facility dog team.

Courthouse facility dogs, such as Willow, are there to assist the court in rendering justice with compassion and to provide emotional support to everyone in the justice system. Willow is available for use with any victim and/or witness regardless of the type of case (criminal or civil) where her presence would facilitate the fact-finding process.

If you are interested in using Willow or would like more information, you can contact Martin at (334) 312-5801 or tmartin@childprotect.org.

Brooke Marshall practices with CB&I in The Woodlands, Texas.



Willow



Lee County Circuit Clerk Mary Roberson asks a question after one of the sessions.

> Retreat Brings Together Local and State Bar Leaders

By Robert G. Methvin, Jr.

The ASB Local Bar Task Force chaired by Gibson Vance recently hosted its inaugural Local Bar Retreat in Montgomery on October 27-28. The purpose of the task force is to reach out to local bar associations, including local minority bars, and strengthen relationships with these constituent groups. As part of its plan of action, the task force continues to visit local bars to acquaint them with the benefits of membership and to understand their concerns for improvement of our state bar. The Local Bar Retreat advanced these goals and was part of President Cole Portis's "Better Bar Initiative," an outreach to foster communication between the members and the state bar.

Thirty-two local bar association leaders attended the event, and Bob Methvin served as program chair. The program kicked off with Acting Chief Justice Lyn Stuart presenting on the

"State of the Judiciary." Following the Acting Chief Justice, distinguished speakers presented on various topics, including a legislative update, ethics law update, diversity and member benefits. Cooper Shattuck, chair of the Executive Director Search Committee, gave an update on the search for the new executive director. There were two interactive sessions, including a round table discussion and an open discussion with local leaders and members of the task force. Among the issues discussed were professionalism, lawyer advertising, the cost of health insurance and mentorship of young lawyers.

The retreat was a rewarding experience and provided valuable insight into the current needs of bar members. <

Robert G. Methvin, Jr. practices with McCallum, Methvin & Terrell PC in Birmingham.



Fellow speakers Diandra Debrosse and Othni Lathram visit before the retreat starts.



Acting Chief Justice Lyn Stuart, presenting the "State of the Judiciary"

2017 ASB Annual Meeting

The Grand Hotel Marriott
Resort Golf Club & Spa
Point Clear, Alabama

July 12-15, 2017

Thank you very much for planning so many family activities and making the meeting so kid friendly. My whole family had a blast.

This was my first time to attend and I brought my whole family. We have a 3-year old and a 1-year old. We found the whole event very family friendly! Big relief!

Overall, the conference was excellent, well organized, quality speakers and panels and plenty of networking opportunities.

All the meetings I attended were great. I enjoyed the subjects offered this year, and enjoyed networking as well.

It's nice to have so many options!

• EVENT SPECIAL • ABA Foundation Fellows Dinner

July 13, 2017

Speaker: Dr. Wayne Flynt,
Alabama historian

Congratulations to the 2017 Leadership Forum Class!

Cassandra W. Adams, Cumberland School of Law, Birmingham
C. Jason Avery, Bradley Arant Boult Cummings LLP, Birmingham
Rachel V. Barlotta, Baker Donelson Bearman Caldwell & Berkowitz PC, Birmingham
Charlie G. Baxley, Hoar Holdings LLC, Birmingham
Valerie J. Brown, Valerie Brown Law LLC, Huntsville
Pooja Chawla, Pooja Chawla PC, Bessemer
R. Patrick Chesnut, Ables, Baxter & Parker PC, Athens
Maggie J. Cornelius, Bradley Arant Boult Cummings LLP, Birmingham
Krystal L. Drummond, Drummond Company, Vestavia
William M. Espy, Melton, Espy & Williams PC, Montgomery
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Susan N. Han, Nettles Han Law LLC, Birmingham
Alison D. Hawthorne, Beasley Allen Crow Methvin Portis & Miles PC, Montgomery
Jonathan C. Hill, Bradley Arant Boult Cummings LLP, Montgomery
Michael P. Huff, Maynard Cooper & Gale PC, Huntsville
Jason S. Isbell, Alabama Bankers Association Inc., Montgomery
Amy C. Marshall, Marshall Law LLC, Enterprise
Cheryl H. Oswalt, Sirote & Permutt, Birmingham
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Daniel F. Pruet, Daniel F. Pruet Attorney at Law, Tuscaloosa
Brandy L. Robertson, Heninger Garrison Davis LLC, Birmingham
Adam L. Sanders, Samford & Denson LLP, Opelika
W. Allen Sheehan, Capell & Howard PC, Montgomery
Kristin W. Sullivan, Massey, Stotser & Nichols PC, Birmingham
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> IMPORTANT NOTICES

Notice of Election and Electronic Balloting

Notice is given here pursuant to the *Alabama State Bar Rules Governing Election and Selection of President-elect and Board of Bar Commissioners* that the election of these officers will be held beginning Monday, May 15, 2017 and ending Friday, May 19, 2017.

On the third Monday in May (May 15, 2017), members will be notified by email with a link to an electronic ballot. Members who wish to vote by paper ballot should notify the secretary in writing on or before the first Friday in May (May 5, 2017) requesting a paper ballot. A single written request will be sufficient for all elections, including run-offs and contested president-elect races during this election cycle. All ballots (paper and electronic) must be voted and received by the Alabama State Bar by 5 p.m. on the Friday (May 19, 2017) immediately following the opening of the election.

■ Nomination and Election of President-Elect

Candidates for the office of president-elect shall be members in good standing of the Alabama State Bar as of February 1, 2017 and shall possess a current privilege license or special membership. Candidates must be nominated by petition of at least 25 Alabama State Bar members in good standing. **Such petitions must be filed with the secretary of the Alabama State Bar no later than 5 p.m. on February 1, 2017.**

■ Nomination and Election of Board of Bar Commissioners

Bar commissioners will be elected by those lawyers with their principal offices in the following circuits:

8th Judicial Circuit
10th Judicial Circuit, Place 4
10th Judicial Circuit, Place 7
10th Judicial Circuit, Bessemer Cutoff
11th Judicial Circuit
13th Judicial Circuit, Place 1
13th Judicial Circuit, Place 5
15th Judicial Circuit, Place 5
17th Judicial Circuit
18th Judicial Circuit, Place 1
18th Judicial Circuit, Place 3
19th Judicial Circuit
21st Judicial Circuit
22nd Judicial Circuit
23rd Judicial Circuit, Place 1
28th Judicial Circuit, Place 2
30th Judicial Circuit
31st Judicial Circuit
33rd Judicial Circuit
34th Judicial Circuit
35th Judicial Circuit
36th Judicial Circuit
40th Judicial Circuit
41st Judicial Circuit

Additional commissioners will be elected for each 300 members of the state bar with principal offices therein. New commissioner positions for these and the remaining circuits will be determined by a census on March 1, 2017 and vacancies certified by the secretary no later than March 15, 2017. All terms will be for three years.

A candidate for commissioner may be nominated by petition bearing the signatures of five members in good standing with principal offices in the circuit in which the election will be held or by the candidate's written declaration of candidacy. **Nomination forms and/or declarations of candidacy must be received by the secretary no later than 5 p.m. on the last Friday in April (April 28, 2017).**

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■ Election of At-Large Commissioners

At-large commissioners will be elected for the following place numbers: 3, 6 and 9. **Petitions for these positions, which are elected by the Board of Bar Commissioners, are due by April 1, 2017.**

■ Submission of Nominations

Nomination forms, declaration of candidacy forms and applications for at-large commissioner positions must be submitted by the appropriate deadline and sent to the secretary as follows:

Keith B. Norman
Secretary
Alabama State Bar
P.O. Box 671
Montgomery 36101

These forms may also be emailed to elections@alabar.org or faxed to (334) 261-6310.

It is the candidate's responsibility to ensure the secretary receives the nomination form by the deadline.

Election rules and petitions for all positions are available at www.alabar.org.

Amendment of *Alabama Rules of Appellate Procedure* and *Alabama Rules of Disciplinary Procedure*

In two separate orders, the Alabama Supreme Court has amended Rule 2(c) and Rule 3(c) and adopted Rule 28A and Rule 28B, *Alabama Rules of Appellate Procedure*, and has amended Rule 8(a) and (b), Rule 10(a) and (b), Rule 17(f), Rule 18, Rule 26(h)(2), Rule 28(e), and Appendix A, *Alabama Rules of Disciplinary Procedure*. The amendment of these rules is effective January 1, 2017. The order amending Rule 2(c) and Rule 3(c) and adopting Rule 28A

and Rule 28B, *Alabama Rules of Appellate Procedure*, and the order amending Rule 8(a) and (b), Rule 10(a) and (b), Rule 17(f), Rule 18, Rule 26(h)(2), Rule 28(e), and Appendix A, *Alabama Rules of Disciplinary Procedure*, appear in an advance sheet of *Southern Reporter* dated on or about October 27, 2016.

Alabama Rules of Appellate Procedure: The amendment to Rule 3(c) provides that the notice of appeal shall specify all parties to the appeal and prohibits the use of "etc." or "et al." to designate multiple parties. Rule 28A provides for supplemental briefs on return to remand and provides a briefing schedule and length restrictions for such briefs, and Rule 28B provides a method for citing new authority after a brief has been filed.

Alabama Rules of Disciplinary Procedure: The amendments to Rule 8(a) and (b) clarify that a suspended or disbarred attorney remains suspended or disbarred until the attorney has been reinstated. The amendment to Rule 10(a) provides for the payment of \$300 with the affidavit filed in response to a notice of non-compliance with MCLE requirements.

The text of these amendments can be found at <http://www.judicial.alabama.gov>, "Quick links—Rule changes."

—Bilee Cauley, reporter of decisions,
Alabama Appellate Courts

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. The public comment

period is from December 5, 2016 to January 9, 2017.

A copy of the proposed amendments may be obtained on and after December 5, 2016 at <http://www.ca11.uscourts.gov/rules/proposed-revisions>. 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, or electronically at <http://www.ca11.uscourts.gov/rules/proposed-revisions>, by January 9, 2017.

ASB Women's Section—Request for Nominations

The Women's Section of the Alabama State Bar is accepting nominations for the following awards:

■ Maud McLure Kelly Award

This award is named for the first woman admitted to practice law in Alabama and is presented each year to a female attorney who has made a lasting impact on the legal profession and who has been a great pioneer and leader in Alabama. The Women's Section is honored to present an award named after a woman whose commitment to women's rights was and continues to be an inspiration for all women in the state. Previous recipients include Justice Janie Shores (ret.), Miss Alice Lee, Miss Nina Miglionico, Judge Phyllis Nesbitt, Mahala Ashley Dickerson, Dean Camille Cook, Jane Dishuck, Louise Turner, Frankie Fields Smith, Sara Dominick Clark, Carol Jean Smith, Marjorie Fine Knowles, Mary Lee Stapp, Ernestine Sapp, Judge Caryl Privett (ret.) and Judge Sharon G. Yates (ret.). The award will be presented at the Maud McLure Kelly Luncheon at the 2017 State Bar Annual Meeting.

■ **Susan Bevill Livingston Leadership Award**

This is the second year to solicit nominations for this new award for the Women's Section in memory of Susan Bevill Livingston who practiced at Balch & Bingham. The recipient of this award must demonstrate a continual commitment to those around her as a mentor, sustained level of leadership throughout her career and commitment to her community in which she practices, such as, but not limited to, bar-related activities, community service and/or activities which benefit women in the legal field and/or in her community. The candidate must be or have been in good standing with the Alabama State Bar and have at least 10 years of cumulative practice in the field of law. This award may be given posthumously. This award will be presented at a special reception. Judge Tammy Montgomery is the 2016 award recipient.

■ **The submission deadline is February 15, 2017.**

Please email your nominations to Allison Skinner, chair of the Women's Section, at askinner@acesin.com. Your submission should include the candidate's name and contact information, the candidate's current CV and any letters of recommendations. If a nomination intends to use letters of recommendation previously submitted in 2016, please note your intentions.

Alabama Lawyers' Hall of Fame

May is traditionally the month when new members are inducted into the Alabama Lawyers' Hall of Fame which is located at the state judicial building. The idea for a hall of fame first appeared in the year 2000 when Montgomery attorney Terry Brown wrote state bar

President Sam Rumore with a proposal that the former supreme court building, adjacent to the state bar building and vacant at that time, should be turned into a museum memorializing the many great lawyers in the history of the state of Alabama.

The implementation of the idea of an Alabama Lawyers' Hall of Fame originated during the term of state bar President Fred Gray. He appointed a task force to study the concept, set up guidelines and then provide a recommendation to the Board of Bar Commissioners. The committee report was approved in 2003 and the first induction took place for the year 2004. Since then, 55 lawyers have become members of the hall of fame. The five newest members were inducted May 6, 2016.

A 12-member selection committee consisting of the immediate past-president of the Alabama State Bar, a member appointed by the chief justice, one member appointed by each of the three presiding federal district court judges of Alabama, four members appointed by the Board of Bar Commissioners, the director of the Alabama Department of Archives and History, the chair of the Alabama Bench and Bar Historical Society and the executive secretary of the Alabama State Bar meets annually to consider the nominees and to make selections for induction.

Inductees to the Alabama Lawyers' Hall of Fame must have had a distinguished career in the law. This could be demonstrated through many different forms of achievement—leadership, service, mentorship, political courage or professional success. Each inductee must have been deceased at least two years at the time of their selection. Also, for each year at least one of the inductees must have been deceased a

minimum of 100 years to give due recognition to historic figures as well as the more recent lawyers of the state.

The selection committee actively solicits suggestions from members of the bar and the general public for the nomination of inductees. We need nominations of historic figures as well as present-day lawyers for consideration. Great lawyers cannot be chosen if they have not been nominated. Nominations can be made throughout the year by downloading the nomination form from the bar's website and submitting the requested information. Plaques commemorating the inductees are located in the lower rotunda of the judicial building and profiles of all inductees are found at www.alabar.org.

Download an application form at <https://www.alabar.org/assets/uploads/2016/09/Lawyers-Hall-of-Fame-Nomination-Form-2017-fillable.pdf> and mail the completed form to:

Sam Rumore
Alabama Lawyers' Hall of Fame
P.O. Box 671
Montgomery, AL 36101

**The deadline for submission is
March 1, 2017.**

Judicial Award of Merit

The Alabama State Bar Board of Bar Commissioners will receive nominations for the state bar's Judicial Award of Merit through March 15, 2017.

Nominations should be mailed to:

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

(Continued on page 14)

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.

Local Bar Award of Achievement

Cole Portis, Alabama State Bar president, and the ASB Local Bar Task Force want you to apply this year! This award recognizes local bars for their outstanding contributions to their communities. Awards will be presented during the Alabama State Bar's 2017 Annual Meeting at the Grand Hotel Marriott Resort in Point Clear.

Local bar associations compete for these awards based on their size—large, medium or small.

The following criteria are used to judge the applications:

- The degree of participation by the individual bar in advancing programs to benefit the community;
- The quality and extent of the impact of the bar's participation on the citizens in that community; and
- The degree of enhancements to the bar's image in the community.

To be considered for this award, local bar associations must complete and submit an application by Friday, June 2, 2017. Applications may be downloaded from www.alabar.org or obtained by contacting Mary Frances Garner at (334) 269-1515 or maryfrances.garner@alabar.org.

J. Anthony "Tony" McLain Professionalism Award

The Board of Bar Commissioners of the Alabama State Bar will receive nominations for the J. Anthony "Tony" McLain Professionalism Award through **April 15, 2017**. Nominations should be prepared on the appropriate nomination form available at www.alabar.org and mailed to:

Keith B. Norman
Executive Director
Alabama State Bar
P.O. Box 671
Montgomery AL 36101

The purpose of the J. Anthony "Tony" McLain Professionalism Award is to honor the leadership of Tony McLain and to encourage the emulation of his deep devotion to professionalism and service to the Alabama State Bar by recognizing outstanding, long-term and distinguished service in the advancement of professionalism by living members of the Alabama State Bar.

Nominations are considered by a five-member committee which 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.

William D. "Bill" Scruggs, Jr. Service To the Bar Award

The Board of Bar Commissioners of the Alabama State Bar will receive nominations for the William D. "Bill" Scruggs, Jr. Service to the Bar Award through **April 15, 2017**. Nominations should be prepared on the appropriate nomination form available at www.alabar.org and mailed to:

Keith B. Norman
Executive Director
Alabama State Bar
P.O. Box 671
Montgomery AL 36101

The Bill Scruggs Service to the Bar Award was established in 2002 to honor the memory of and accomplishments on behalf of the bar of former state bar President Bill Scruggs. The award is not necessarily an annual award. It must be presented in recognition of outstanding and long-term service by living members of the bar of this state to the Alabama State Bar as an organization.

Nominations are considered by a five-member committee which 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.



> Judge Tammy Montgomery: Inaugural Recipient of Susan Bevell Livingston Leadership Award

The Women's Section has awarded the inaugural Susan Bevell Livingston Leadership Award (SBLLA) to Judge Tammy Montgomery. The SBLLA was created by the Women's Section in memory of Susan Bevell Livingston, who practiced at Balch & Bingham. The recipient of this award must demonstrate a continual commitment to those around her as a mentor, a sustained level of leadership throughout her career and a commitment to the community in which she practices, and be in good standing with the Alabama Bar with at least 10 years of practice in the field of law.

Judge Tammy Montgomery more than met the requirements for the award. Judge Montgomery created and chairs the Children of the Village Network, an organization that provides or supports a food bank, scholarship funds, assistance to victims of domestic violence, a literacy

campaign, an anti-bullying campaign through the Fairy Tale Mock Trial, the Fatal Vision program and a Brown Bag program for senior citizens.

Judge Montgomery's commitment to her community, especially to young people, and to the law was evident in the many letters received from leaders in her community, and from those who have been touched by Judge Montgomery's mentorship, leadership and philanthropy. It was evident from the letters of nomination received on Judge Montgomery's behalf that she is a respected, valued and loved member of her community. However, an associate of Susan Livingston's provided the highest praise when she said, "Susan would have loved her."

A reception was held in Judge Montgomery's honor at Balch & Bingham's Birmingham office in September. <

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Mark your calendar for March 15-18, 2017 at the Hilton Chicago, and save \$150 off the standard registration price. Register by the Early Bird deadline of January 30 and save an additional \$200. Register at www.abatechshow.com and use discount code EP1715.

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> BAR COMMISSIONERS HIGHLIGHTS

The approved minutes of the **September 16, 2016** Board of Bar Commissioners Meeting are now available at <https://www.alabar.org/assets/uploads/2016/11/09162016-BoardMinutes.pdf>.

The following are select highlights from the **October 28, 2016** Board of Bar Commissioners Meeting:

Amendments to the Rules Governing Admission to the Alabama State Bar

The board approved four proposed amendments to the *Rules Governing Admission*, including:

- (1) Increasing the fee from \$50 to \$100 for postponing the bar exam;
- (2) Allowing the bar exam fee to be carried forward for one examination only;
- (3) Increasing the “shelf life” of the Multi-State Professional Responsibility Exam (MPRE) to 25 months; and
- (4) Permitting a forfeiture of a bar exam

fee if a candidate is not approved by the Character & Fitness Committee and is unsuccessful or chooses not to appeal an adverse determination.

The board rejected a proposed amendment to remove the requirement that a reciprocity candidate certify his/her intention to conduct at least 75 percent of their practice in Alabama and have an office in the state under Rule III (reciprocity).

MCLE Credit for Pro Bono Work

The board also approved a modification of the MCLE Rules so that up to 3.0 hours of MCLE credit can be awarded for pro bono service (1.0 hour of MCLE credit for each 6.0 hours of pro bono service rendered through a volunteer lawyers program). Rule 3.9 of the MCLE Requirements shall be amended as follows:

This requirement may be satisfied through the provision of pro bono legal assistance exclusively through an Approved Pro Bono Provider. For pur-

poses of these rules, an Approved Pro Bono Provider is a not-for-profit legal aid organization, bar, or court sponsoring a pro bono program that is approved by the Alabama State Bar as set forth in Rule 6.6 of the *Alabama Rules of Professional Conduct*. The MCLE Commission shall award one hour of MCLE credit for every six hours of pro bono work completed for a maximum of three MCLE credits in a 12-month period running from October 1st through September 30th. If less than 6 hours of pro bono work is completed between October 1st and September 30th of the reporting year, no MCLE credit shall be awarded. On October 1 of each year, the Approved Pro Bono Providers shall report the name of each attorney who meets these requirements to the MCLE Commission along with the number of hours of service. Self-reporting shall not be permitted under this provision. Credit earned through this provision may not be used to complete a deficiency plan or to satisfy requirements for reinstatement, re-activation or readmission. <

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 Allison Skinner, editor, askinner@acesin.com, or Margaret Murphy, managing editor, margaret.murphy@alabar.org.

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Season's Greetings

Happy Holidays from the *Addendum* Editorial Board
and the Alabama State Bar Staff!

