

Addendum

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NOTE FROM THE EDITOR

Over the last 30 years, we have seen a transformation in how we receive information. In rapid succession, we have moved from the old U.S. Post Office mail to faxes to email, cell phones, texts and tweets. We are receiving more information faster than ever.

The Alabama State Bar strives to provide relevant and useful information to lawyers. *The Alabama Lawyer* has been published every other month since the January 1983 issue (it was quarterly before that). In December 1995, the Alabama State Bar started printing the *Addendum*, whose purpose was to share timely information in between the publication of the *Lawyer*.

Beginning with the October 2008 issue, the *Addendum* went online to provide immediate access to information. As we approach a decade of an online *Addendum*, we are asking ourselves whether it is valuable and relevant in its current online form or whether it should be changed.

To help answer this question, we formed a small committee of the Editorial

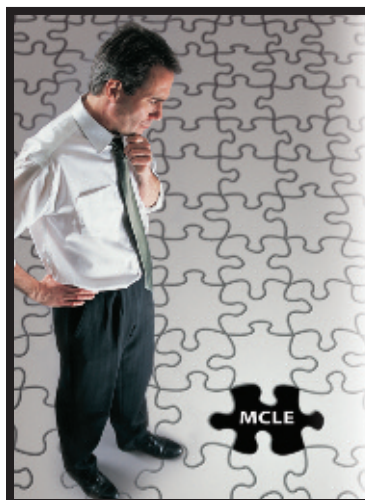
Board comprised of **Allison Skinner (chair)**, **Sherrie Phillips**, **Joi Monteil**, **Marc Starrett** and **Jason Tompkins**. In

the coming weeks, the committee will send a survey to you. Please take the time and complete the survey. We want to make sure we are providing the most effective communication possible that meets your needs in "real time." If you have other ideas about the *Addendum*, please contact me or Margaret Murphy, state bar publications director, margaret.murphy@alabar.org.

Gregory H. Hawley
Editor, *The Alabama Lawyer*
ghawley@joneshawley.com



Hawley



Missing Some MCLE?

Don't have all of your MCLE hours yet? Check <http://bit.ly/1wZX9uc> for opportunities in your area, but you'd better hurry!

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Best Way to Deal with a Jerk?

By Otto Sorts

The associate walked into my office clearly upset and asked if we could talk. She closed the door and let loose: "George is such an a--hole! He makes my life miserable and now he's given me a bad review!" She checked off the details of this partner's abuse and ineptitude, and the many reasons she hated working with him.

I worked with Lisa when she came into the firm a few years back and found her to be an excellent researcher, with the promise of becoming an excellent attorney. She did great work on several of my cases and I had enjoyed watching her career blossom. Recently, however, her performance had lagged.

"You're Not the Only One George Irritates!"

We talked for a while and I came to understand more of her predicament. Because George was a jerk—as recognized by most people in the firm—Lisa had pushed back in the only way she knew how, which was to not work well with him. One problem with that approach was that Lisa's own performance and reputation in the firm suffered. Her attitude was getting in the way of her work.

I counseled her to understand the realities of the situation: George was a partner, everyone knew he was an asshole

and his performance (if not his style) was acceptable to the firm (if not to me and others). She was only hurting herself.

How Should You Deal?

When she asked what she should do, I gave the following advice.

First, do your job. You were hired for a purpose, to accomplish some things. Part of proving yourself is making certain you fulfill the need you were hired to address. Nothing else you do matters if you fail to do your job. Do your job and do it well, period.

Second, do not get distracted. It's easy to get knocked off track by bad management, politics or personality issues. You're going to experience those in any job, in any group, firm or department. Get over it and stay focused on your job. (I did not say "Man up!" but I was tempted.)

Third, co-workers and mentors can help—to a point. It's nice to have a sympathetic ear and someone to empathize with you. Don't get distracted by their support or expect them to fix your problem. Frankly, some of them will be less sympathetic than you'd like. Be careful not to let your problem interfere with your relationship with them.

Fourth, manage the other distractions. If you are active in firm committees and firm-sponsored extracurricular

activities, take care to consider the impact of those (probably more enjoyable) efforts on your work. If they interfere or take your energy away from your job, make a change.

Finally, don't be afraid to make mistakes. When working in a hostile environment, there is a tendency to respond by becoming overly conservative and risk-averse. Paralysis is worse than error. Don't let the environment shut you down.

You will always encounter jerks, no matter where you go. The issue is not letting them get to you, or allowing them to determine how well you perform. Sure, sometimes the bad outweighs the good—enough so that you should leave, but, in my opinion, you "win" if you can keep your head up and perform well, despite the jerks.

Lisa looked up at me with a smile and said, "Okay, then I'll just out-class 'em!" ■

Otto Sorts has been reading law since before Martindale met Hubbell. Of counsel at a large corporate firm that prefers to remain anonymous, Otto is a respected attorney and champion of the grand tradition of the law. He is, however, suspicious of "new-fangled" management ideas and anyone who calls the profession the legal "industry." When he gets really cranky about something, he blogs at Attorney at Work.

ACCOLADES

Adams & Reese Makes Holiday Donations

Adams & Reese LLP recently made several holiday donations, including \$1,000 to Girls Incorporated of Central Alabama (Girls, Inc.) and \$1,000 to the Child Advocacy Center of Mobile, through its 2014 charitable holiday card campaign of giving to organizations across the firm's regional footprint that help and provide resources for children in need. ■



Pictured are (left) Britton Bonner, Adams & Reese Mobile office partner in charge, with Pat Guyton, director of the Child Advocacy Center.



Pictured are Adams & Reese Birmingham office partner in charge David Bowsher with Girls, Inc. President and CEO Connie Hill.

LAW SCHOOL ROUNDUP

Cumberland Announces Online Master of Science in Health Law and Policy

Samford University's Cumberland School of Law is accepting applications for a new fully online master of science (M.S.) in health law and policy degree. The first class will be admitted for fall 2015.

The new degree recently was approved by the university's board of trustees.

Through the online M.S. in health law and policy degree, professionals in the fields of compliance, human resources, insurance and healthcare administration will gain a marketable expertise in the increasingly complex world of health law and policy, according to Henry Strickland, Cumberland School of Law dean. The degree also will benefit recent graduates who plan to enter the field of health care compliance or administration, as well as attorneys interested in pursuing specialization in health law or policy.

"The demand for professionals who can move into health care compliance and related roles is exploding," Strickland said. "Our new health law and policy degree will enable people in the health care industry to take advantage of that burgeoning demand. It will also provide recent college graduates with almost any major an entry into that field."

Experienced faculty from Samford's Cumberland School of Law and College of Health Sciences, as well as compliance professionals from the community, will



participate in the program, according to Laura Tomlin, Cumberland's director of special programs. The program includes coursework in health law, regulatory affairs, public policy, insurance and health care administration, with a particular emphasis on health care compliance. The online program takes two years to complete. Students will enroll in two classes per term through fall, spring and summer of their first year. The second year will include two classes in fall and in spring, and a final summer course. Two or three on-campus weekends are planned.

The new online program is one of only eight programs nationally to be accredited by the Compliance Certification Board (CCB).

"We are excited to have earned accreditation from the CCB. The demand for health care compliance professionals is rising, and this accreditation demonstrates that our program will prepare students for careers in this growing field," Tomlin said.

Strickland noted that the M.S. degree does not replace a traditional juris doctor degree because the M.S. will not qualify graduates for admission to the bar.

"The M.S. degree instead will provide students a more focused study of essential healthcare law, regulation, and administration topics needed to advance in the healthcare industry," he explained. ■

Survey of Threats and Violence Against the Alabama Legal Profession



For more than 25 years, the media and legal commentators have identified an increase of work-related violence against the legal profession. While there is no national method for reporting threats and violence against members of the legal profession at a state level, surveys conducted to date in 11 states show that threats and violence regularly occur against legal professionals.

A survey has been created to ascertain the nature and frequency of threats and violence against members of the Alabama legal profession. This survey will remain open until **February 27, 2015**. The results will be submitted as a proposed article for *The Alabama Lawyer*. Please respond to the survey, whether or not you have experienced work-related threats or violence in the legal profession. The online survey will begin when you click on <https://www.surveymonkey.com/s/C2DQ2X6>.

MEMBER BENEFIT SPOTLIGHT



LocalLawyers.com

Alabama-based *LocalLawyers.com* is extending a special, limited-time offer to lawyers in Mobile and Baldwin counties.

The Alabama State Bar has partnered with *LocalLawyers.com* to provide all practicing ASB members with a free, uniform, basic online legal directory listing on the website *AlabamaLawyers.org*, along with the opportunity to purchase additional web-based client development services, including expanded, multi-page lawyer profiles, an online reputation management tool and the ability to easily refer clients to other lawyers from within the system. And lawyers with their primary addresses in Mobile are automatically included in the sister site *MobileLawyers.com*.

When you upgrade your basic listing you'll receive a three-page lawyer profile with practice overview, map and law firm pages, as well as the ability for potential clients to search for you by areas of practice on both *AlabamaLawyers.org* and *MobileLawyers.com*. Lawyers with expanded profiles are also featured in *MobileLawyers.com*'s lawyer spotlight. *And when you upgrade by December 31 you will receive your first month free!* There is no long-term obligation, so you can cancel at any time with 30 days' notice.

UPS

The Alabama State Bar is proud to bring its members valuable discounts on the products and services they need the most. Take advantage of competitive rates available on UPS® shipping

services. With more service options, superior ground-delivery coverage and overnight delivery by 10:30 a.m. to more ZIP codes than FedEx, it's time to put the power of logistics to work for you.

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Let the ASB and UPS help your business grow, improve your bottom line and make shipping easier. To enroll and start saving today, visit savewithups.com/asb. For more information, call 1-800-MEMBERS (1-800-636-2377), M-F, 8 a.m.–6 p.m. EST.

*See savewithups.com/asb for specific services and discounts.



IMPORTANT NOTICES

Alabama Lawyers' Hall of Fame

May is traditionally the month when new members are inducted into the Alabama Lawyers' Hall of Fame located at the state judicial building. The idea for a hall of fame first appeared in 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 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, 45 lawyers have become members of the hall of fame. The five newest members were inducted May 2, 2014.

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 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 on the bar's website at <https://www.alabar.org/membership/alabama-lawyers-hall-of-fame/>.

Download an application form at <https://www.alabar.org/assets/uploads/2014/08/Hall-of-Fame-Nomination-Form-2015.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, 2015.

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 13, 2015**. Nominations should be 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.

Local Bar Award of Achievement

The Alabama State Bar Local Bar Award of Achievement recognizes local bar associations for their outstanding contributions to their communities. Awards will be presented during the Alabama State Bar's 2015 Annual Meeting at the Grand Hotel Marriott Resort & Spa 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 contestants for each category:

- 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 award application by June 1, 2015**. Applications may be downloaded from www.alabar.org or obtained by contacting Christina Butler at (334) 269-1515 or christina.butler@alabar.org.

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*.

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

2nd Judicial Circuit
4th Judicial Circuit
6th Judicial Circuit, Place 2
9th Judicial Circuit
10th Judicial Circuit, Place 1
10th Judicial Circuit, Place 2
10th Judicial Circuit, Place 5
10th Judicial Circuit, Place 8
10th Judicial Circuit, Place 9

12th Judicial Circuit
 13th Judicial Circuit, Place 2
 15th Judicial Circuit, Place 2
 15th Judicial Circuit, Place 6
 16th Judicial Circuit
 18th Judicial Circuit, Place 2
 20th Judicial Circuit
 23rd Judicial Circuit, Place 2
 24th Judicial Circuit
 27th Judicial Circuit
 29th Judicial Circuit
 38th Judicial Circuit
 39th 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, 2015 and vacancies certified by the secretary no later than March 15, 2015. All terms will be for three years.

Nominations may be made 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 must be received by the secretary no later than 5:00 p.m. on the last Friday in April (April 24, 2015).**

Nomination forms may be sent to:

Keith B. Norman
 Secretary
 Alabama State Bar
 P.O. Box 671
 Montgomery AL 36101
elections@alabar.org
 Fax (334) 261-6310

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

As soon as practical after May 1, 2015, members will be notified by email with a link to the Alabama State Bar website that includes an electronic ballot. *Members who do not have Internet access should notify the secretary in writing on or before May 1 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. **Ballots must be voted and received by the Alabama State Bar by 5:00 p.m. on the third Friday in May (May 15, 2015).**

At-Large Commissioners

At-large commissioners will be elected for the following place numbers: 1, 4 and 7. **Petitions for these positions which are elected by the Board of Bar Commissioners are due by April 1, 2015.**

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

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, 2015.** 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.

Positions Available

Circuit Mediator (Miami), United States Court of Appeals, Eleventh Judicial Circuit, Atlanta, Georgia

The Kinnard Mediation Center has an opening for the position of Circuit Mediator. The position is located in Miami, FL, with the U.S. Court of Appeals for the Eleventh Judicial Circuit. The incumbent will preside at mediations in civil appeals. The primary purpose of the mediation is to settle appeals and any related

cases. Duties include leading discussions of the procedural and substantive legal issues involved in an appeal, conducting analysis of an appeal's settlement value, and probing for each party's interest in an effort to help the parties create and explore options to continued litigation. A circuit mediator performs sensitive and sophisticated mediation and must have exceptional legal skills and experience. The Code of Conduct for Judicial Employees prohibits otherwise engaging in the practice of law while employed by the judiciary except in certain limited situations.

The person selected for the position will be required to undergo a background investigation.

Job requirements include:

- Graduation from an accredited law school, practice before the highest court of a state or territory of the United States and at least six years of post-graduate experience, *a substantial portion of which involved trial and appellate work in federal courts;*
- Significant training and experience in mediation;
- Knowledge of and experience working with the *Federal Rules of Civil Procedure* and the *Federal Rules of Appellate Procedure*;

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Addendum

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. The deadline for the February issue is January 10.

IMPORTANT NOTICES

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- Thorough knowledge of all aspects of civil law and legal procedures;
- Comprehensive understanding of the dynamics, costs, impacts and strategies of the litigation process;
- Ability to analyze complex legal and practical aspects of an appeal;
- Aptitude for collaborative problem-solving and consensus building processes;
- Ability to deal persuasively and tactfully with strong-willed and sophisticated counsel and parties and to develop creative and practical solutions in appeals involving a wide range of disputes and personalities; and

- Ability to work independently without supervision, exercising judgment and discretion to maintain party confidences, control direction of negotiations and modify the subsequent course of proceedings.

Apply by sending your résumé and a letter stating how you meet each of the above qualifications and relating your achievements, skills and experience in mediation to:

Human Resources Manager
United States Court of Appeals for the Eleventh Judicial Circuit
56 Forsyth St., NW
Atlanta GA 30303.

The starting salary range is \$116,000 to \$126,000 (CL 31), depending upon experience. **Applications will be accepted until January 12, 2015, or until the position is filled.** We anticipate the suc-

cessful candidate will commence duties at the court in March 2015.

For information on all benefits, go to <http://www.ca11.uscourts.gov/human-resources-department>.

The United States Courts are equal opportunity employers.

Director, Alabama Ethics Commission

Application Acceptance Extended until December 31, 2014

Salary: Pay Grade 91

\$116,277.60–\$177,266.40 (salary negotiable)

The Alabama Ethics Commission announces the opening of a search for the position of director. The director of the Ethics Commission is selected by the Ethics Commission, subject to senate confirmation, and serves at the pleasure of the Ethics Commission.



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(334) 224-6920.

The director is responsible for all administrative operations of the Ethics Commission. Responsibilities include overseeing the investigation of reported ethical violations and complaints; ensuring the proper handling and disposition of cases; overseeing the drafting of advisory opinions of the commission; providing consultation and training for public officials, public employees and lobbyists on the application of the Alabama Ethics Laws; and overseeing the complete and proper reporting of financial interest information and any other data required by the Alabama Ethics Law of public officials and employees. The director serves as liaison to the legislative, judicial and executive branches of government on ethics-related matters, as well as primary media contact and chief spokesperson for the commission.

Preferred Qualifications

Education

A bachelor's degree from an accredited college or university is required. Graduation from an American Bar Association-accredited law school and a member in good standing is preferred. Additional coursework or degrees in public administration, public policy, ethics, management, human resource management or coursework in other applicable disciplines would be favorably considered.

Experience

Ten years of experience in the legal field or in public or business administration with supervisory responsibility is required. A background in prosecutorial work is preferred.

Office, budget and personnel management experience, including responsibility for communication and training, is preferred.

The salary for this position will be determined by the Ethics Commission in accordance with State of Alabama laws and regulations. The director shall also receive the regular benefits afforded to state employees. A completed application packet consists of:

1. An application for director of the State of Alabama Ethics Commission, which is located on the Alabama Ethics Commission's website at www.ethics.alabama.gov and the State Personnel Department's website at www.personnel.alabama.gov.
2. A cover letter relating to the applicant's experience as outlined in this

vacancy announcement. A more thorough job description can be found at www.ethics.alabama.gov and www.personnel.alabama.gov;

3. A current resume not to exceed two pages;
4. The names and contact information (including telephone numbers) of three references.

Application packets should be addressed to:

Alabama Director of Alabama Ethics Commission Selection Committee
P.O. Box 5037

Montgomery AL 36111

or

Submitted via email to:

personnel@personnel.alabama.gov.

All initial applications will be treated as confidential. After a thorough review of all available information, the search committee will determine a final list of candidates. The final candidates will be notified and only the names of candidates who choose to move forward with the interview and selection process will be made public. All other applications will remain confidential.

Director, Office of Indigent Defense Services

Description

The director of the Office of Indigent Defense Services shall have responsibility over a major division in the department of finance that governs the provision of defense services to indigent persons. Supervision is exercised over a staff of personnel including accountants, clerical and/or attorney positions. The director shall work independently, determining his/her own procedures and making major work decisions. The director shall operate under the general direction of the finance director.

Examples of Work Performed

- Administer and coordinate the operations of the office and all divisions within the office and supervise compliance among the local indigent defense advisory boards with rules, procedures, regulations and standards adopted by the office which meet the goals set forth in Act 2011-678;

- Develop and improve programs to provide legal representation to indigents;
- Develop policies and procedures for the determination of indigency and partial indigency;
- Prescribe minimum experience, training and other qualifications for appointed counsel, contract counsel and public defenders in all types of cases, including capital cases;
- Provide caseload management and develop performance standards for various counsel;
- Monitor performance of all counsel (appointed, contract and public defender) and provide recommendations to the local indigent defense advisory boards on necessary changes to systems;
- Establish criteria for independent, competent and efficient representation of clients whose cases present conflicts of interest;
- Determine methods of providing indigent defense service in the appellate courts;
- Participate in training on the various delivery systems to attorney and circuit judges;
- Coordinate the services of the office with any federal, county, private or other programs established to provide assistance to indigent persons entitled to representation and consult with professional organizations concerning the implementation and improvement of programs for providing indigent services;
- Prepare and submit annually to the finance director a proposed budget for the provision of statewide indigent defense services, and prepare and submit an annual report containing pertinent data on the operations, costs and needs of the state's indigent defense system and other information to the Chief Justice of the Alabama Supreme Court, to the Alabama Legislature and to the governor;
- Coordinate the development and implementation of rules, policies, procedures, regulations and standards to carry out the provisions of

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the office and comply with all applicable laws and standards;

- Maintain proper records of all financial transactions related to the operation of the office;
- Provide and compensate attorneys, experts and other practitioners who provide services related to legal representation of indigents;
- Establish procedures for the recoupment of fees, expenses, salaries and other expenses;
- Apply for and accept on behalf of the office funds that may become available from any source, including government, nonprofit or private grants, gifts or bequests;
- Provide for the training of attorneys and other staff involved in the legal

representation of persons subject to the provisions of this office;

- Ensure that the expenditures of the office are not greater than the amounts budgeted or available from other revenue sources; and
- Perform other duties as may be deemed necessary to fulfill the obligations of the office or as assigned by the finance director.

Minimum Qualifications

- Graduation from an accredited school of law
- Possess a license in good standing to practice law from the Alabama State Bar at the time of application and, if awarded the position, obtain and maintain an active license of general membership with the Alabama State Bar.

Special Requirements

- Extensive travel may be required.

- Possession of a certificate of admission to the bar of the Supreme Court of Alabama

Salary and Benefits

The salary will be commensurate with experience. Benefits include participation in the State Employees' Health Insurance Program and the Retirement Systems of Alabama.

Application

Submit a resume with a cover letter of no more than two pages explaining why you would like this position and why you believe you are qualified for it to:

Keith B. Norman
Executive Director
Alabama State Bar
P.O. Box 671
Montgomery AL 36101-0671

The deadline for applications is February 6, 2015.

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