Honoring Fred Gray

The following are remarks that ASB Past President J. Douglas McElvy gave at the dedication of the Fred Gray Historic Marker, February 4, 2015.

Among Alabama lawyers, no one could be found to have plowed a wider path changing human events and national institutions, and accomplished more with his legal skills, than Fred Gray.

I am honored as a past president of the Alabama State Bar to represent the bar at this historic event, just as I was honored by Mr. Gray’s request to serve as vice president during his state bar presidency.

Fred Gray was the 126th president of the Alabama State Bar and its first African-American president. When Fred returned to Montgomery to take the Alabama Bar Exam after finishing law school in Ohio, he was 24 years old. At that time, no African-American could be admitted to any law school in Alabama. At that time, no African-American was allowed to take the bar review course offered to applicants. At that time, no African-American, once admitted to the bar, could take part in any meetings of the Alabama State Bar nor could they participate in or attend seminars or any other events or activities of the state bar.

Having passed the bar exam, Fred was forced to take his state bar license to court with him to prove to judges and court officials that he was, in fact, a lawyer. Fred was frequently derided, vilified, threatened, arrested and abused and sued, and was the subject of disciplinary complaints filed against him at the Alabama State Bar for his work in civil rights issues. In his first year of law practice, Fred represented Rosa Parks and Martin Luther King, who later became famous and so did he. Being president of the Alabama State Bar was the last thing that ever entered his mind.

In 2000, Mr. Gray was urged by some members of the bar to seek the presidency for the 2001-2002 term. When Fred made known his interest to run, no one opposed him. Taking advantage of his background using his skills to bring justice to the oppressed, Fred Gray focused on three main areas during his term as president.

(Continued on page 3)

Montgomery Mayor Todd Strange presents the key to the city to honoree Fred Gray.
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First, he exhorted the lawyers of Alabama to use their skills and the law to improve the lives of those around them. His theme of “Lawyers Render Service: Service to the Client, the Community and the Profession,” was later adopted as the official slogan of the Alabama State Bar.

Second, recognizing the lack of diversity in our bar, Fred convinced the Board of Bar Commissioners to adopt plans to completely diversify the Alabama State Bar. At that time, there was only one African-American serving on the board, which consisted of 60 elected lawyers from the judicial circuits in the state. The board approved the plan recommending proposed legislation to increase membership by nine members, which positions would be to increase diversity representation. The legislature passed the act and Mr. Gray’s plan to diversify the state bar was on the way.

Third, Mr. Gray borrowed from an initiative that he instituted while president of the National Bar Association. He established the Alabama Lawyers’ Hall of Fame, which now annually inducts at least four Alabama lawyers at a Law Day ceremony at the Alabama Supreme Court.

If you ask Fred Gray what he worked for while president of the Alabama State Bar, he will most likely mention these three things, but he accomplished much, much more. By his grace, kindness, humility, dignity and complete lack of bitterness, he healed a wound in the Alabama State Bar.

Fred, I don’t know if anyone from the state bar has ever publically apologized for our arrogance and pride, and for the way you and other African-American lawyers of your generation were treated, but I am doing so now. I am truly sorry. The Alabama State Bar, having once rejected African-American lawyers and Fred Gray, now hails Fred as one of its most distinguished members. In the 2002 edition of Bus Ride To Justice, Fred Gray states in the penultimate paragraph of his book, “Above all, I pledge to do my best to live a Christian life … .” Fred, well done. Thank you for your excellent example to all of us as a true Christian soldier.

Congratulations, Fred and Carol, and to all of the Gray family. God bless you.
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
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 [https://www.alabar.org](https://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 [https://www.alabar.org](https://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.
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 https://www.alabar.org or obtained by contacting Christina Butler at (334) 269-1515 or christina.butler@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, 2015. Nominations should be prepared on the appropriate nomination form available at https://www.alabar.org and mailed to: Keith B. Norman, executive director, Alabama State Bar, P. O. Box 671, Montgomery 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.

Pro Bono Awards

The Alabama State Bar Pro Bono and Public Service Committee is seeking nominations for the Alabama State Bar Pro Bono Awards. Nomination forms can be obtained by contacting:

Linda L. Lund, director
Volunteer Lawyers Program
Alabama State Bar
P.O. Box 671
Montgomery AL 36101
(334) 269-1515
linda.lund@alabar.org

The Alabama State Bar Pro Bono Awards recognize the outstanding pro bono efforts of attorneys, mediators, law firms and law students in the state. The award criteria includes but is not limited to the following: the total number of pro bono hours or complexity of cases handled, impact of the pro bono work and benefit for the poor, particular expertise provided or the particular need satisfied, successful recruitment of other attorneys for pro bono representation and proven commitment to delivery of quality legal services to the poor and to providing equal access to legal services.

Nominations must be postmarked by April 1, 2015 and include a completed Alabama State Bar Pro Bono Awards nomination form in order to be considered by the committee.
Difficult Conversations 101

This article originally appeared in the January/February 2012 issue of Law Practice magazine and is published by the ABA Law Practice Division.

By Karen MacKay

Had any tough conversations lately? It’s your job to inspire, motivate and align, but it’s also your job to hold people accountable and lead by example. These tasks will require difficult conversations from time to time. Let’s set the stage: When preparing for a conversation on sensitive or controversial matters with “Sidney,” one of your partners, consider the following.

What is your purpose?

Be clear with yourself about what you are setting out to do. Are you holding up a mirror to raise awareness? Are you calling Sidney out on repeated unacceptable behavior or are you presenting an ultimatum and asking him to perform better? Your purpose will be reflected in your opening line. “I need to give you some feedback. Is this a good time?” is appropriate when your purpose is to raise awareness, but not so when you’ve had it up to here and continued behavior from your partner will erode the firm’s values and culture. What do you hope to accomplish? What is your end game? Every situation will be different. Do you want to understand what is driving Sidney? You might want to understand what is triggering behavior that is not typical of this partner. You may be reaching out to help a troubled colleague or drawing a line in the sand regarding behavior you will no longer tolerate. Your call, but be clear with yourself.

What is your ideal outcome?

Your desired outcome likely has something to do with where you are along a path of accountability. Is this your first conversation about this issue or is it about to be your last? Do you want to raise awareness; get an explanation? Or is it decision time and Sidney needs to change or go?

What are your assumptions?

Assumptions can help you gather new information and guide the agenda. They can help you understand emotions, fears and biases. Consider your own assumptions going into the conversation. You can guess about Sidney’s assumptions, but you won’t know until you’re into the conversation.

Which of your “buttons” are being pushed?

We all have buttons—they were installed early—buttons such as work ethic, integrity, respect or my personal favorite, “If you haven’t got something nice to say, don’t say anything at all.” Our buttons are connected to our values. Our values guide our behavior. Collective behavior creates the culture of the firm. If Sidney is aligned with the culture of the firm, you will question your place in it. If Sidney’s behavior is contrary to the culture of the firm where you have likely spent your career, what are you going to do about it? With leadership comes responsibility. Not only do you set a personal example, it is your job to hold your partners accountable for the example they set.

What are your needs and fears?

We all have needs. We all have fears. Leaders who need to be liked (or loved) will have a tough time with a difficult conversation. We all have different ways of dealing with conflict. Some of us avoid it at all cost. Others compete to win—at all costs. Some of us, perhaps because we were middle children, look for compromise. The truth is that compromise can often be lose-lose. Do you need to win or do a deal? Are you afraid of eroding your firm’s values or that you’ll lose the respect of Sidney or of everyone else? When the going gets tough, what do you need at your core? How are you contributing to the situation? Are you an enabler? Are you the guardian of the firm’s core values?

Last word:

The leadership competency that is most challenging in every firm that I’ve been privileged to serve is conflict management. Every difficult conversation is a test. You will sit up a little straighter and stand a little taller when you handle a difficult conversation well. You will earn political capital and the respect of your colleagues at all levels in the firm when you handle a difficult conversation with skill and integrity. Trusted leaders can manage conflict, encourage debate and align colleagues. Handle it well (or blow it) and you will set a personal example. That’s leadership. Nobody said it would be easy.

Karen MacKay is president of the consultancy Phoenix Legal Inc., focusing her work on leadership and strategy execution for law firms.
**ACCOLADES**

**Alabama Law Foundation Announces New Fellows**

At the beginning of each year, the Alabama Law Foundation recognizes Alabama State Bar members who have demonstrated outstanding dedication to their profession and their community by inviting them to become “Fellows.” The Fellows banquet was held in January in Montgomery. In addition, those Fellows elevated to “Life Fellows” status are recognized.

The Fellows program was established in 1995 to honor Alabama State Bar members for outstanding service and commitment. Fellows are given the opportunity as leaders in the legal community to provide financial and personal support for the Alabama Law Foundation, the charitable arm of the Alabama State Bar.

Fellows accepted into membership for 2014 include:

- Thomas B. Albritton
- Mary Margaret Bailey
- Roger L. Bates
- LaBarron N. Boone
- William H. Broome
- Houston L. Brown
- Robin L. Burrell
- William T. Coplin, Jr.
- Collier H. Espy, Jr.
- D. Taylor Flowers
- Gaile P. Gratton
- H. Thomas Heflin, Jr.
- Jack E. Held
- Samuel W. Irby
- Robert C. Lockwood
- William K. Martin
- James B. Newman
- James R. Shaw
- Hon. C. Lynwood Smith, Jr.
- Rusha Smith

**Burr & Forman Donates to Children’s Home**

The United Methodist Children’s Home (UMCH) is one of eight charities that accepted a recent donation from Burr & Forman LLP. A check for $35,000 was presented to UMCH in January. The donation will be used for purchasing new vehicles for three different programs UMCH offers.

UMCH’s Vice President of External Affairs Rebecca Morris said, “Burr & Forman recognized the transformational change our ministry has on the future of young people in the state of Alabama. It is courageous of a highly respectable law firm such as Burr & Forman to recognize our denominational affiliation and see our ministry for what it truly is, a second chance for those who have been hurt by the ones who are supposed to love them the most. Our college scholarship recipients are beyond excited to have new vehicles to transport them during their college experience. Having corporate, community and individual support allowed for UMCH to serve more than 1,015 kids, youth and parents in 2014.”

For 125 years, UMCH has helped transform the lives of thousands of abused, neglected and traumatized children, young mothers and struggling families. Services offered include group homes, foster care and adoption programs, family preservation services, transitional living programs, scholarship homes and homes for young mothers across Alabama and northwest Florida.

For more information about UMCH and the different services offered, go to www.umch.net or email info@umch.net.

**McCain Selected to Inaugural Presidential Leadership Scholars Class**

Jennifer R. McCain of Maynard Cooper & Gale PC was selected a member of the inaugural class of Presidential Leadership Scholars, a leadership development initiative that draws upon the resources of the U.S. presidential centers of Lyndon B. Johnson, George H. W. Bush, William J. Clinton and George W. Bush. These presidential centers have partnered to bring together a select group of leaders who have the desire and capacity to take their leadership strengths to a higher level in order to help their communities and our country.

McCain is the only member of the class from Alabama.

Sixty scholars from a variety of sectors—private, public, non-profit, military and academia—were invited to participate in this year’s group, which recently began a six-month, executive-education series at Mount Vernon, George Washington’s home. Scholars will travel to each participating presidential center to learn from former presidents, key administration officials and leading academics.

The program is non-degree bearing, and entails approximately 100 hours of informative sessions and case studies, and covers expansive approaches to leadership theory, drawing upon examples from recent presidents.

**McKinney Elected to American College of Environmental Law Board of Regents**

Steve McKinney, a partner in the Birmingham office of Balch & Bingham LLP, was elected to serve as a member of the Board of Regents by the leadership of the American College of Environmental Law (ACOEL).

The ACOEL is a professional association comprised of distinguished lawyers who practice environmental law.

Membership in the ACOEL is by invitation only and offered to a limited number...
of lawyers practicing environmental law. ACOEL members work together to advance the rule of law through the development of balanced commentaries on emerging issues and pro bono service as advisors to nations seeking to develop new environmental laws, such as China.

McKinney is active in the Environment, Energy and Resources Section of the American Bar Association and served as chair of the section in 2010-2011.

Minor Nominated to Become American Bar Foundation Fellow

Teresa G. Minor, a partner in the Birmingham office of Balch & Bingham LLP, was nominated to become a Fellow of the American Bar Foundation.

Membership is limited to less than one percent of lawyers who have demonstrated outstanding achievements and dedication to the welfare of their communities and to the highest principles of the legal profession. Fellows support the research work of the American Bar Foundation through their annual contributions and sponsor seminars and events of direct relevance to leaders of the legal profession.

Nardone Recipient of 2014 Cameron J. Miller Award for Excellence and Community Service

Marc A. Nardone, an associate at Bradley Arant Boult Cummings LLP, was named the recipient of the 2014 Cameron J. Miller Award for Excellence and Community Service. The recognition includes a cash award of $10,000 to Nardone’s designated charity, the Helping Up Mission.

The Cameron J. Miller Award for Excellence and Community Service is given in memory of Cameron J. Miller, who joined the firm’s Birmingham office as an associate in September 2011 and passed away on June 25, 2012 due to complications from leukemia. The annual award recognizes a first-year firm associate who exemplifies excellence in his or her legal work coupled with a high degree of community service involvement. The recipient chooses a charity to receive a $10,000 grant funded by the Bradley Arant Boult Cummings Foundation; Cameron’s parents, Mr. and Mrs. Frank Miller; and Mr. and Mrs. Charles D. Perry Jr., the parents of Cameron’s fiancée, Katherine Perry.

Nardone has spent hundreds of hours counseling the residents of Helping Up Mission in his hometown of Baltimore in their recovery from homelessness and addiction. His pro bono work has helped residents in their journey to become responsible, contributing members of society. For more information about the Helping Up Mission, go to https://www.helpingupmission.org.

Nardone received his J.D. (cum laude) from the University of Maryland Law School and has an A.B. in physics (cum laude) from Washington University in St. Louis.

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ABA TECHSHOW
Discounts Now Available—Save $355

The Alabama State Bar is once again offering discounts for bar members who would like to attend ABA TECHSHOW 2015 in Chicago, April 16-18. This three-day CLE conference and legal technology expo offers more than 50 educational sessions in tracks such as Litigation/EDiscovery, Paperless, Cloud, Security, Mobile and Practice Management. There will also be tracks on effectively utilizing iPad, Mac and Microsoft Office in the law office, and the popular How To... (do just about anything in a law office) Track will be back again this year. Check out the full schedule at http://www.techshow.com/schedule/, as well as the interactive TECHSHOW Expo floor to see which vendors have already signed up.

Alabama State Bar members who register before the Early Bird Deadline date of March 6 will receive a bar discount of $155 and an additional $200 Early Bird registration discount of the standard non-ABA member rate, for a price of $695 when they register online (http://www.techshow.com/pricing/), use discount code TECHSHOWEP15 and indicate they are ASB members. Or, if you'd like to organize 10 people and send in one payment for all on a SuperPass, you can get the registration costs down to $499.50 per person. Special rates for non-lawyer assistants, undiscounted single day passes and materials only via flash drive are also available.

If you have questions about TECHSHOW, please contact Laura Calloway or Kristi Skipper at pmap@alabar.org or (334) 517-2242.

Yep, There’s an App for Casemaker

If you rely on your smartphone to stay connected to clients, email and the systems—such as calendar and time and billing—that keep your practice on track, you’ll be happy to know that Casemaker, the Alabama State Bar’s free legal research service, also offers apps for your iPhone or Android device.

To start your mobile legal research immediately, follow these easy instructions:

• Use your computer or laptop to log in to Casemaker through the bar’s website at https://www.alabar.org.
• Once on the Casemaker main libraries page, click on the red “Available mobile application” link near the top left of the page.
• Complete the form to receive your reference code.
• On your Android device or iPhone/iPad go to Google Play or the App Store, respectively, and download the free Casemaker app by searching for Casemaker.
• The first time you run the application, it will ask for the reference code. Enter the code that you got when you registered while on the Casemaker site. (If you later add the app to additional devices, you can access this reference code again any time by clicking on the “Available mobile app” link while you’re in Casemaker on your computer.
• If you have any problems, contact Casemaker support at (877) 659-0801.

For Casemaker research assistance M-F, 7 a.m. to 7 p.m. Central, call toll-free (877) 659-0801 or check out the schedule of Casemaker training webinars at http://casemaker.us/registerwebinar.aspx. You can also call the Alabama State Bar for login assistance at (334) 517-2242.

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Register for ABA TECHSHOW under the Event promoter rate and enter your Association’s unique code TECHSHOWEP15.