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Short articles of general interest are always welcomed from ASB members. All materials submitted for publication in the Addendum are subject to editing for style, space and content. Send submissions as Word documents to Allison Skinner, editor, allison.skinner@cadencebank.com; Linda Flippo, assistant editor, flippo@whitearnolddowd.com; or Margaret Murphy, managing editor, margaret.murphy@alabar.org.

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PUBLIC OFFICE: Another Way to Love and Serve Others

By J. Cole Portis, president, Alabama State Bar

If you love others, you will serve them. As lawyers, we are uniquely gifted and trained to serve others. We bring reason, logic and compromise in our dealings with our friends and the public. Our service to others positively impacts their lives and we gain great satisfaction in utilizing those gifts.

One of the ways we serve is by representing our clients. We consider our clients’ strengths, weaknesses and goals before we act. Once we act, we do our very best to advise them well. The manner that we advise clients is also a skill that transfers easily to public service in the political arena. This year, I have encouraged lawyers in Alabama to serve the citizens of Alabama by serving on city councils, school boards, the state legislature, state offices and national offices, too. Each of these areas of public service involves laws. Who better to deal with laws than lawyers?

Fortunately, a number of Alabama lawyers have answered this call at a sacrifice to them and to their families. But they volunteer to be vetted by the public because they love others and want to serve. I admit that I get caught up in being a skeptic of politicians, however, through my interaction with lawyer legislators this year, I am less a skeptic and more of a champion of these special men and women.

For example, this year I have had the honor of getting to know Jim Hill. When I first met him, I thought that this may be one of the nicest men I have ever met. After I spoke to Jim Hill, I was convinced that he was one of the nicest men I have ever met. He is a lawyer in St. Clair County and is trusted by his clients. He carries a deep devotion to them and he will do everything in his power to help them.

Jim practiced law for 19 years before he was called to serve as a judge. He initially served as a district judge and then became a circuit judge. He was well respected by the bar, the bench and the public and he made a difference as a judge in the lives of people in his circuit and beyond.

In 2013, he reentered private practice. And in 2014, he ran for and was elected as State Representative House District 50. Jim didn’t have to run for this office. He had already left an amazing legacy as a lawyer and a judge, but he wasn’t finished and discovered an avenue to make another indelible mark. He understands laws. He understands people. He wants to impact Alabama for the good. When I speak to other house members, they brag to me about the wisdom and professionalism of Jim Hill. We need more Jim Hills in the Alabama Legislature.

Please consider running for public office. We need men and women lawyers who love our state and are willing to serve and love others in this way.
Inaugural College Minority Pre-Law Conferences a Success

The Diversity in the Profession Committee of the Alabama State Bar, in cooperation with the Federal Bar, the Magic City Bar and the Capital City Bar, recently kicked off the inaugural College Minority Pre-Law Conferences.

The conferences, which were one-day events, were held in two locations: in Birmingham on April 21 at the Robert S. Vance Federal Building and in Montgomery on April 28 at the Alabama State University Dunn-Oliver Acadome and the Frank M. Johnson, Jr. Federal Courthouse Complex. Participants included more than 100 students from 17 colleges and junior colleges across the state.

This conference was developed from the original Minority Pre-Law Conference held for high school students. The high school program was birthed as a result of the efforts of members of the Capital City Bar Association more than 20 years ago. Through the assistance of the Young Lawyers’ Section of the Alabama State Bar, this program, in conjunction with other local and specialty bars, has expanded to four locations throughout the state.

“The college conference was created in an attempt to further expand diversity within the legal profession within our state,” said Monet McCorvey Gaines of the Alabama Attorney General’s Office who serves as vice president of the Alabama State Bar and chair of the Diversity in the Profession Committee.

“This conference, in conjunction with the high school minority program that is sponsored in part by the Young Lawyers’ Section of the state bar, will create a pipeline by which minority students within our state can have greater exposure and information regarding the benefits of obtaining a law degree. The decision to focus on the diversity within our profession and to expand the high school minority pre-law program has been a key initiative of our bar president, Cole Portis.”


Speakers at the April 28 Montgomery conference included Alabama State Bar President Cole Portis, Magistrate Judge Terry F. Moorer of the U.S. District Court for the Middle District of Alabama, Senior Judge Myron F. Thompson of the U.S. District Court for the Middle District of Alabama and Chief Presiding Judge W. Keith Watkins of the U.S. District Court for the Middle District of Alabama.
What’s It Like for This Lawyer to Retire?

By David A. Bagwell

I retired from law practice, sort of, last Halloween, when I was almost 71. This rag invited me to write an article about it. Finally, I gave in.

Retirement is different for each lawyer. I don’t know many lawyers who have actually retired. The crowd older than me seemed never to retire while more people my age seem to be retiring. Why didn’t they retire? Several reasons they didn’t. Some of them didn’t have enough money to retire (Too many ex-spouses? Too many big boats and beach or mountain houses and hunting camps?). Some of them had enough money to retire, but for some reason they wanted even more money. Some are helping educate or even raise grandchildren in a sort of ersatz “generation-skipping trust.” Some of them were partners in big firms which had decided to continue to provide an office and part of a secretary and maybe even more money to retire. But as a solo I mostly “typed” [note outdated term] my own briefs and motions and filed them myself electronically. I could not draft a competent deed or a will if my life depended on it, and I still hire other lawyers to do that for me.

Why aren’t more lawyers my age retiring? What are my un-retired friends afraid of? One of the most remarkable things about retiring is that male lawyer friends my age—there aren’t all that many women lawyers my age—sneak up to me and ask, “What do you actually DO once your retire?” They seem terrified at that thought. The old workers seem to be mortified that they might die of boredom if they retire. The spouses think “am I going to have to cook lunch for that guy EVERY day?”

Many of those old guys seemed not to have any hobbies; maybe they played golf or gin rummy once a week or something. They must not have read much. They must not have travelled much. They must not have spent much time with their grandchildren. I don’t understand why anybody who could afford to retire, doesn’t. But, check with your spouse. Lots of spouses don’t want an extra person around the house all day.

I admit that I am lucky to be able to afford to retire. We are not wealthy, but I hope and believe that I can afford retirement. That is due in significant measure to the fact that some really good lawyers let me work with them on some very big cases, and I will always owe them for that.

So, what’s the deal on retirement? Next to being a grandparent, it is the best deal going.

I don’t see how I had time to do anything other than lawyering when I was in practice and all retired people I know agree. I am never bored. So, what am I actually doing to keep me busy, since staying busy is the issue which scares so many people my age so much?

Exercise? I have much more time to exercise, and have lost more than 20 pounds. My doctor told me yesterday that I am significantly healthier than I was 10 years ago.

Hobbies? I have never played golf or tennis, but I do like to hunt and fish. In the fall after retirement I shot enough ducks, quail and deer to fill my freezer. I live on Mobile Bay, for which I am also very lucky, and with the arrival of late spring I go fishing every morning the weather allows, and furnish “free range organic speckled trout” for our suppers and those of some neighbors. Great stuff.
Travel? Travel is one of the reasons I retired. We have taken a couple of international and stateside trips, and we visit out-of-town grandchildren.

Grandchildren? That’s the best reason to retire. I have spent much more time with our seven grandchildren and I know them all much better. I don’t have to go to work when they visit.

Clothes? They sure are cheap in retirement. The other day I gave five or six perfectly good dark suits and lots of dress shirts to Goodwill. I never buy ties, which are worthless is that law is available online than four decades accumulating: court opinions, law reviews, law books. There simply is no market for law books, and young people just don’t want them. I gave away a few law books, but most younger lawyers don’t even want them as gifts. The fact is that the very reason that law books are worthless is that law is available online and every solo firm can have its own complete law library. Throwing away that stuff was very hard on me.

Files? Another down side of retirement is that a lawyer is required to keep files for a good bit longer than the statute of limitations [look it up yourself; you are “a lawyer” and I am not]. If you leave a big firm, that isn’t such a problem, since as far as I can tell, big firms never throw away anything. You just leave the files there when you leave, and one day there will be a reckoning against the last remaining lawyer. My solution, which I have used for several years, is to put them in a storage unit, then cull and have them ground up when I can properly do that. But you need to think about it. And watch out for the spiders and snakes in your storage unit.

Insurance? Just remember that if your liability insurance is on a “claims-made basis”—and it is almost sure to be—you will need to get some kind of “tail coverage” for claims if any are made after you retire. Contact your underwriter and arrange it. You are too old to go nekkid.

Bar status? The state bar has a status for non-practicing lawyers, which is very reasonable. Check into it. Just remember, though, because of this and your insurance, don’t go around writing wills for people, or giving legal advice; you could get in serious trouble.

Legal organizations? Giving them up is hard too, but when you add up the costs, you’ll see that you may be spending a thousand dollars a year or even more to stay in them. I adopted my own rule that I would let my membership lapse in any legal organization which continued to charge me dues after my retirement following age 70. So I am still in the American Law Institute and the Maritime Law Association of the United States, but that’s about it.

Charities? Up to you. I have always given generously, but we are even more selective now in our giving.

So, why not retire? Why not, indeed. Maybe you should.

David A. Bagwell recently retired as a solo practitioner in Fairhope after more than four decades as a lawyer or a judge. He and his wife live on Mobile Bay.
IMPORTANT NOTICES

Administrative Office of Courts

The Administrative Office of Courts (AOC) has asked that the Alabama State Bar disseminate an important notice regarding personal identifying information in documents filed with the courts.

The Associated Press recently published an article with the headline “ID Theft Case Reveals Security Weaknesses in Alabama Court System.” Two follow-up articles have been published concerning personal information of crime victims appearing in court records. The initial story reported that prosecutors had charged an Alabama man with aggravated identity theft and conspiracy. The defendant, who has since pleaded guilty, used personal information purportedly gained from alacourt.com to assist in stealing identities. The story pointed out that the federal court system, PACER, “typically” does not include personal information and that PACER posts a notice that it is up to attorneys to ensure that private information is not included in filed documents. The notice posted on that website is no different from other websites that may be accessed by PACER.

The Administrative Office of Courts has implemented processes that safeguard any identifying information that may be contained in any data that is displayed in any electronic systems. If identifying information is written or typed on a document that is scanned into the system, however, the system cannot identify that information. Therefore, individuals filing documents with the courts need to exercise extreme caution when they include personal identifying information about an individual.

Although Social Security numbers are frequently used to verify the identity of a person, it is not necessary to include the entire Social Security number in a document filed with the court. Although Section 41-13-6, Ala. Code 1975, implements a general prohibition of certain governmental entities from placing a Social Security number on any document available for public inspection, that statute is “not applicable to a document originating with any court…or any record of judgment, conviction, eviction, or bankruptcy.” Rule 5.1 of the Alabama Rules of Civil Procedure states that, unless the court orders otherwise, a filer may include only the last four digits of any Social Security number, or of any financial account number when filing an electronic or a paper document. If a person filing a document is ever prompted to provide a Social Security number on a document to be filed with the court, the filer may enter 999-99-9999.

Information about the victim of certain criminal offenses (defined in 15-23-60(7) as “a felony involving physical injury, the threat of physical injury, or a sexual offense, or any offense involving spousal abuse or domestic violence has been committed”) must also be excluded from documents filed with the courts. Section 15-23-69, Ala. Code 1975, provides that “[t]he address, phone number, place of employment, and other related information about the victim contained in the court file shall not be public record.” Furthermore, Section 15-1-2(b), Ala. Code 1975, provides that “[t]he court records of a child under the age of 18 years who is a victim of sexual abuse or exploitation shall not be open to the public, but shall be kept in the same manner as juvenile offender records are kept.” If the victim information is contained in a document filed with the courts, the filing party should take steps to assure that the information is redacted or to assure that the document is shielded from public view. The filing party can notify the circuit clerk at the time such document is filed.

The Administrative Office of Courts is dedicated to protecting information within court records that could be used for malicious purposes. The courts further intend to protect victims of crime from the display of their identifying information. Please assist the court system in our efforts by assuring that documents filed with the courts are appropriately redacted.

Harold Albritton Pro Bono Leadership Award

The Harold Albritton Pro Bono Leadership Award seeks to identify and honor individual lawyers who through their leadership and commitment have enhanced the human dignity of others by improving pro bono legal services to our state’s poor and disadvantaged. The award will be presented during Pro Bono Month 2017 (October).
To nominate an individual for this award, submit no more than two single-spaced pages that provide specific, concrete examples of the nominee’s performance of as many of the following criteria as apply:

- Demonstrated dedication to the development and delivery of legal services to persons of limited means or low-income communities through a pro bono program;
- Contributed significant work toward developing innovative approaches to delivery of volunteer legal services;
- Participated in an activity that resulted in satisfying previously unmet needs or in extending services to underserved segments of the population; or
- Successfully achieved legislation or rule changes that contributed substantially to legal services to persons of limited means or low-income communities.

To the extent appropriate, include in the award criteria narrative a description of any bar activities applicable to the above criteria.

To be considered for the award, nominations must be submitted by August 1, 2017. For more information about the nomination process, contact Linda Lund at (334) 517-2246 or linda.lund@alabar.org.

Reminder—We’re Going Paperless!

As stated last year, the 2017-18 Annual Fee and Reporting Statement will be paperless. An email will be sent to members who have an email address on record with the bar notifying you when online payments are available beginning September 1, 2017. We encourage you to pay your occupational license fee or special membership dues online with a credit card or ACH transaction. You may also join sections and pay your client security fund assessment at the same time, avoid penalties or late fees and have your payment processed more quickly.

If you prefer to pay with a check, you will be able to print a voucher from your MyDashboard page on www.alabar.org beginning September 1 and mail it to us with your payment. Please contact us at ms@alabar.org with questions or comments.

Alabama Lawyers
HALL OF FAME

Pictured above are several members of the Alabama Lawyers Hall of Fame Selection Committee, after the most recent induction ceremony, May 5, at the Heflin-Torbert Judicial Building in Montgomery. Left to right are Wendy Brooks Crew, Sam Rumore (chair), Sandra Lewis, Everette Price, Tim Lewis, Reggie Hamner and Keith Norman. Not pictured are members Ed Sledge, Lee Copeland, Myron Allenstein, Michael Upchurch, Steve Murray and Phillip McCallum, who recently took over as ASB executive director.

For complete information about the inductees and the Alabama Lawyers Hall of Fame, go to https://www.alabar.org/membership/alabama-lawyers-hall-of-fame/.
Planning for Retirement

By Joseph K. Beach

Summer vacations are a good time to reflect on our potentially less busy future. Here are six steps to prepare for the next phase of your career.

1. Estate Planning
   Have you put wills, advance directives for health care and powers of attorney in place? Sometimes the cobbler’s children go shoeless. It wasn’t until a close family member died and I was five years into my law practice that I drafted documents for my wife and me.

2. Exit Strategy
   When was the last time you reviewed your firm’s partnership agreement? Is there a mandatory retirement age? How will you be paid for your ownership interest? Can you stay on as of counsel and, if so, how would that arrangement work? If you are a sole practitioner, who will take over your files?

3. Retirement Planning
   How is your 401(k) doing? Are you maximizing the amount you can put away? For 2017, you can contribute up to $18,000 toward your 401(k) with a catch-up contribution of $6,000 if you are age 50 or over. If you are trying to shelter a larger amount of income, then your firm may be able to use a defined benefit plan in conjunction with a 401(k). IRAs and Roth IRAs also can be very useful in the right circumstances.

4. Life Insurance
   Do you have an appropriate amount of insurance in place? A good rule of thumb is to have 10 to 12 times your annual income in life insurance. If you have not recently reviewed your life insurance, then you should investigate since the market may have improved, which would result in a better premium/coverage result for you. At the same time, you should review the beneficiary designation for your policy, especially if you have had a change in your family situation.

5. Long-Term Disability Insurance
   If you have to stop practicing law before you planned, how will you maintain an income stream? Long-term disability insurance will provide you with income after the initial waiting period until retirement or longer. Talk with your insurance agent about the definition of disability in the policy so that it refers to your “own occupation.”

6. Long-Term Care Insurance
   What is your plan for long-term care if you need it? Given the increasing costs of assisted living and in-home care, you may want to consider long-term care insurance. Traditionally, the insured would pay into these policies and never see a benefit unless they needed long-term care. Now, many insurers offer hybrid policies such that if you have a long-term care event, the policy will pay out for that need, but if not, the proceeds will be paid out to your beneficiary like a traditional life insurance policy.

Winding down a career and transitioning into retirement requires a plan. Enjoy your summer and consider taking at least one of the steps above to put you and your family on solid footing.

Joe Beach is a region trust advisor with SunTrust Private Wealth in Atlanta.
Judicial Resources Allocation Commission Created to Study Backlog in Court System

By Michael D. Ermert

On March 6, 2017, former Governor Robert Bentley signed into law Senate Bill 90, which creates the Judicial Resources Allocation Commission. It is well documented that Alabama’s budget woes have negatively impacted the judicial branch. The substantial cuts over the years to the judiciary have created personnel shortages throughout the court system. In years past, the legislature would create a new judgeship in a circuit which needed more resources to handle its growing docket. However, as state resources have become more and more scarce, yet population growth has continued, solutions such as the creation of new judgeships have all but been eliminated. Over the past decade, the legislature has considered a number of different plans which would have shifted judgeships from one circuit to another. After considerable work by representatives of the state bar, lawyers from around the state, the Alabama Law Institute and Senators Arthur Orr of Decatur and Rodger Smitherman of Birmingham, among others, one of the first acts of the 2017 Legislative Session was the passage of the Judicial Reallocation Commission Bill.

This new commission will examine data developed from a Judicial Weighted Caseload Study to be adopted by the Alabama Supreme Court. After three years of data is collected, this commission will “review the need for increasing or decreasing the number of judgeships in each district court and circuit court” by using the criteria developed as outlined in the new statute. The factors to be considered include the caseload study, population shifts across the state, the judicial duties in the districts, circuits or their specialized divisions, uniformity in how caseloads are calculated and accounted for and any other relevant information.

The statute states that “in the event of a vacancy due to death, retirement, resignation, or removal from office of a district or circuit judge” or “if the incumbent judge shall not be eligible to run for re-election” due to age limitations, a two-thirds vote of the commission may move the judgeship to another district or circuit under certain time restrictions. The Act also states that “[n]o judicial circuit shall lose more than one judgeship through allocation in a two-year period.”

The commission will be subject to the Alabama Open Meetings Act and the Alabama Open Records Act. Members of the commission shall include the chief justice (who will serve as chair), the legal advisor to the governor, the attorney general, three incumbent circuit judges, three incumbent district judges and three licensed attorneys. The selection criteria for the appointed members are set forth in the Act.

Mike Ermert is a partner with Hare, Wynn, Newell & Newton LLP in Birmingham.
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Enroll online at Membership.BrooksBrothers.com (http://65.215.52.17/Membership/LuxurySplash.jsp). Enter the ASB Organization ID# 12384 and Pin Code 22060, which can also be found on your MyDashboard page when you are logged into the Alabama State Bar website.

Enroll by telephone by calling Corporate Incentive Services toll-free at (866) 515-4747, Monday through Friday, 9:00 a.m. to 5:00 p.m. ET. Please have the ASB Organization ID# 12384 and Pin Code 22060 available.

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Casemaker’s partnership with vLex brings you more of the world’s laws. vLex is a leading online global legal intelligence provider with federal and state case law and legislation from 100+ countries, and editorial content with daily analysis from 1,000+ collaborating publishers, all accessible in real time via their smart-search platform.

Casemaker realizes that research time is too valuable for “guesstimates” so they’ve partnered with Cosmolex, a leading cloud-based, law practice management software provider and ASB member benefit provider. This partnership means your Cosmolex account is now integrated with Casemaker to allow you to easily track and bill your research time.

Casemaker has also partnered with Expert Search Group. ESG is an expert witness search firm with a revolutionary billing model. They typically charge a one-time flat fee for each expert hired. There is no hourly surcharge or fees added to the expert’s rate.

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**MyCase**

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Alabama State Bar members receive a free trial, training with a dedicated software specialist and a 10 percent lifetime discount.

Come visit our booth at the Alabama State Bar Annual Meeting and Legal Expo in July—we’ll set you up with some free swag and a personalized MyCase demo.
Law is a calling and an honored profession, but it’s also a business. If a firm doesn’t keep an eye on the future, it can’t remain viable or help its clients. The economic changes brought on by technology and other disruptions, both legal and in the larger economy, have made gazing into the future even more difficult. Many law firms need to change their business models and plan for the future—but how?

For this third Lawyer University class, come learn how strategic business planning, including a SWOT (Strengths, Weaknesses, Opportunities and Threats) Analysis, can help point your firm or practice in the right direction. Dr. Louis Marino, professor of strategic management, and James D. Nabors, instructional excellence faculty fellow, both at the University of Alabama Culverhouse College of Commerce, and Birmingham lawyer Jansen Voss will lead you through the process of assessing where your practice is and what your strengths and future opportunities are, and help you find your way onto the road to a profitable future.

Birmingham lawyer Ronald Levitt and Alabama State Bar Assistant General Counsel Tripp Vickers will complete the program with information on planning for small firm succession, including tax planning and what goodwill value solos and small firm practitioners can realize through the sale of firm assets.

The Lawyer University Business 101 class is scheduled for Thursday, June 29, at 11:30 a.m. at Burr Forman in downtown Birmingham and is approved for three hours of MCLE credit (one hour of ethics). Lunch is included. This class is limited to 100 members. To view the schedule, go to https://www.alabar.org/assets/uploads/2017/03/Lawyer-University-Business-101-Schedule.pdf. To register, go to https://www.alabar.org/assets/uploads/2017/03/Lawyer-University-Business-101-Registration-Form.pdf. Sign up quickly, so that you don’t miss this opportunity!

For more information on Lawyer University or Business 101, call the ASB Practice Management Assistance Program at (334) 517-2242 or email pmap@alabar.org.
ASB EXECUTIVE DIRECTORS:

Decades of Service

Pictured above with the portrait of the Alabama State Bar’s first executive director, Judge John Scott, are his successors, from left to right: Keith B. Norman (1994–2017), Reginald T. Hamner (1969-1994) and Phillip W. McCallum (2017-).

Photo by Dolan L. Trout

Acts of Alabama

NOW ONLINE

The Alabama Department of Archives and History recently completed a project in partnership with the Secretary of State in which we digitized and placed online the Acts of Alabama from 1902 to the late 1990s, a large span which was not previously available online. The archives’ website now provides the entire run of legislative acts from the territorial period (beginning in 1817) through the late 20th century, where the Secretary of State’s website picks up. The Acts and other legislative materials can be found at http://digital.archives.alabama.gov/cdm/landingpage/collection/legislature.

COMMISSIONERS’ CORNER

The approved minutes of the March 10, 2017 Board of Bar Commissioners’ meeting is available on the state bar’s website at https://www.alabar.org/assets/uploads/2014/08/Minutes_Board-Meeting_March-10-2017.pdf.
Join us for the Alabama State Bar’s 140th Annual Meeting

JULY 12-15, 2017

Love Your Neighbor

• TRACK PROGRAMMING: Business of Law; Future of the Profession; Helping the Public; Mind, Body, Spirit, Wellness
• American Bar Foundation Dinner
• KEYNOTE SPEAKERS: Mike Ethridge, Paul Mellor, Ashby Pate, William Haltom, Artur Davis and more
• Socialize with ASB’s new executive director, Phillip McCallum

• Activities for family members of all ages include: Golf, Tennis, Foot Golf, Rock & Roll Bingo, Fishing, Sailing
• Learn more about Lawyer University
• Grand Prize from ISI: A Week-Long Trip in Mazatlan, Mexico

Registration available now at https://www.alabar.org/about-the-bar/annual-meeting/