

February 2006

# Addendum

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## Above and Beyond

### Injury doesn't disable this attorney's drive to help others

**F**rank Shuford can't walk or use his arms or hands, but his mind has not only carried him through his own hardships but to the sides of others who needed his legal expertise—for free.

For that, the Mobile Bar Association honored Shuford as its volunteer lawyer of 2004 and the Alabama State Bar presented him with the 2005 Attorney Pro Bono Award.

The Mobile lawyer logged more than 100 hours of free services to indigent clients in 2004. **Hank Caddell**, chairman of the MBA Volunteer Lawyers Program board of directors, said that even when considering modest fees as the norm for the average attorney's hourly wages, Shuford has donated more than \$8,000 of his professional time.

Caddell said that more than 700 lawyers donated over 10,000 hours of their time in this manner in 2004.

Shuford specializes in bankruptcy, debt collections and real estate planning, but much of his volunteer work has been in domestic relations, including child custody and support.

Shuford, 41, performs his duties, volunteer and otherwise, from the seat of a wheelchair. He has been paralyzed from the neck down since a National Guard accident at 18.

Without the use of his arms or hands, Shuford does much of his work on a computer directed with voice commands.

He activates it with the command "Wake up" and logs off with "Go to sleep." More than once, Shuford said, he has uttered those words and disconcerted a client in his office.

Shuford, who said he knew he was going to be an attorney by the eighth grade, did not let his spinal injury stop him.

He graduated from law school in 1990.

He was neither defeated nor overcome with bitterness by his injury but learned to embrace it, he said. He said that had he not been injured, he never would have met his wife of 11 years, Barbara, or shared with her the parenthood of their "beautiful son," John, three.

"We met in Sunday School. She was sitting in front of a window. It looked like there was an aura around her. God spoke to me: 'This is the one for you.'"

Physically, Shuford said, "I am not able to do things, so I think God left me with a good brain—at least, I hope so."

He relies on others to help him get around, including perfect strangers, he said, who are always willing to open doors or accommodate him through other means. Being blessed this way, Shuford said, encourages him to give back. "Along that line, I am sensitive to people who need help in the law," he said.

He spent more than a year helping a woman win custody of her nephew. "She has the baby now and he is doing great," Shuford said. "You have to be patient enough to get in and do what you are supposed to do. It will all work out in the long run."

—Portions of this article originally appeared in the October 15, 2004 edition of the **Mobile Register**.



Frank Shuford (left) and Ben Bowden at the ASB 2005 Annual Meeting



# Not Just Legal Beagles

Police Service Dogs  
truly are man's best  
friend—in the work  
place *and* at home

**T**ess retired as a police service dog (PSD) from the Atlanta area. Her officer's career continued with a younger canine as he faced the dilemma of what to do with an old PSD. Tess retired to the Working Dog Retirement Center for the last four years of her life where she romped as a much-loved companion pet.

While a canine handler's career may be over 20 years, a dog works only six to eight years following specialized training. A canine handler cannot take home every retired PSD. Some vendors will accept the dog after a career, some officers or agencies relinquish them to animal control and some agencies euthanize. In every case, it is a difficult decision with limited resources.

Retired PSDs are generally large male dogs and rescues are not equipped to handle the special needs of these high-drive dogs. Retired working dogs have several years to offer someone as an outstanding companion pet so the Center serves as a "re-homing" service. Dogs are "re-homed" in private homes that understand the nature of the dog and will provide proper stimulation and care. The Center is privately operated and does not solicit donations. Adoption fees are based on expenses and each placement is consid-

ered individually. It's a win-win situation. The retired public servant gets lifetime care, a home gets a companion pet and a handler's training and investment are not wasted.

The retired service dog, whether a PSD, Search and Rescue or personal assistant, now has an option similar to that provided for the military working dog by "Robby's Law." Retirement planning for the working dog requires homes open to accept them. Old working dogs are generally well-socialized, enjoy car travel and can lie quietly beside an attorney's desk on those late nights and weekends. Work limitations don't affect that companionship.

Calls come in from around the country and efforts are made to connect agencies directly with adopters to facilitate retirement planning. Some dogs stay at the Center until finding a suitable private home. Dogs of unsuitable temperament, training failures and washouts are not accepted. Only dogs that worked or were disabled in the line of duty qualify for retirement planning.

If you are interested in providing a home for a retired service dog contact me at the Working Dog Retirement Center, (334) 569-3482, or [k9chance@justice.com](mailto:k9chance@justice.com).

—Deborah S. Manasco, Montgomery

# Take Another Look At Your Life and the Practice of Law

Work plus personal  
fulfillment equal success



Everyone desires a happy and fulfilled life. Our careers play a large role in dictating our quality of life because we spend the majority of our waking hours at work. Work without personal fulfillment can lead to a variety of adverse effects, including relationship and health problems.

As both a human resources professional and an attorney, I feel that every professional should at least annually assess their career and the level of life fulfillment that results. Few professionals work as hard as attorneys, so attorneys need to especially take the time to ensure fulfillment in their career. In order to help you with this assessment, I pose the following questions:

- If you found out you had one year to live, what would you change about your life?
- If you had all the money in the world, what would you do?

Taking the time to honestly answer these questions can change your life.

First, the time that you would spend during your last year of life will truly reveal your priorities. The old adage states that a person should live each day as if it is his last (because it may be!). It makes sense that you would spend that time doing something that you truly enjoy or that brings you fulfillment. I would amend the adage to say that you should

live each year as if it is your last. It is a little more realistic to make life changes over the course of the year, rather than in one day.

Second, we often let compensation dominate our analysis of a career. The justification for having a certain job often is the need to maintain a standard of living. These concerns can be evidenced by mortgages, children, credit card bills and car payments. It is difficult when valid concerns such as family needs mask the goals of one's own life. Many professionals will not even consider altering a career because they have these obligations. Question two allows you to look past those obligations and perhaps discover the root of personal happiness. After finding out what really makes you happy, you may be able to make changes after all.

I hope your personal assessment leads you to a fulfilling career and life. I am not necessarily advocating a mass exodus from the legal profession. In conducting your assessment, you may discover that your current role is a perfect fit. On the other hand, you may discover that you are not as happy as you could be, but that you can modify your career in order to better focus on those aspects of life that are most important to you.

—Jack T. Carney, Birmingham

# Restraining Clear Up



Like a lot of other legal concepts today, our clients have an over-simplified, television perception of what a restraining order is. The public's general understanding is that you may simply request one and it is granted.

There are two problems with this misconception. The most obvious is that it is not a simple process. The second, more prevalent, problem is the client's misunderstanding of what a restraining order actually accomplishes. Clients believe they will receive a piece of paper ordering the offender to refrain from any activity, and that the offender will actually obey it. In the event the offender does not obey, some knight in shining armor is going to force compliance. In some instances, this can be a very dangerous attitude. That piece of paper does not stop bullets.

In an attempt to satisfy the client's need, many well-meaning people advise clients to go to the courthouse to get a restraining order. Not only friends and family, but police officers, clerics, counselors, school authorities, employers, and, sometimes, attorneys will give this same directive. When the client comes to district court, we often have to tell most of them that we have nothing to meet their needs.

To try to resolve this problem, we have designed a brief outline, describing different court orders that may contain a restraining order. We have been disseminating it as a handout to different organizations, in an attempt to allow well-meaning people to be informed in their advice. So far,

progress is slow. On a bad day, we give the "restraining order" speech, as it has come to be known, four or five times. Maybe this publication will help.

## Restraining Orders—An Outline

The following are brief descriptions of different types of court orders that are available that may include a restraining order.

**Conditions of Release:** This is an additional set of conditions placed on a defendant in a criminal domestic violence case at the time bond is made. It may include a restraining order if there has been a finding by the court of a history of violence on the part of this defendant. This order may be issued by a district court magistrate or judge or a city court magistrate or judge, depending on the jurisdiction in which the crime is committed.

**A. Family relationship**—Broadly interpreted in this criminal setting. The victim can be:

1. Current or former spouse;
2. Parent;
3. Child;
4. Any person with whom the defendant has a child in common;
5. Present or former household member; or
6. A person who has had a dating or engagement relationship with the defendant.

**B. Crime**—The defendant must be arrested for a domestic violence crime to be able to place the conditions on their release:

1. Domestic Violence 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> degree; or
2. A crime of violence against someone in the above-referenced relationship.

**C. Violation**—A criminal offense. The defendant can be arrested for violating a restraining order included in this document. The victim or another witness (police officer) may swear to the warrant.

**Protection from Abuse Order:** This is an order issued

# Orders: Attempting to the Misconceptions

by a family court judge. It is a civil document filed in family court.

*D. Family relationship*—Narrowly interpreted in this situation. The victim must be 19 or be represented by a legally responsible person if the victim is under the age of 19 or incapacitated. The victim may be:

1. Current or former spouse;
2. Current or former common-law spouse;
3. Parent;
4. Child;
5. Blood relative;
6. Any person with whom the defendant has a child in common; or
7. Present or former household member.

*E. Family covered*—The order may cover:

1. The victim; and
2. Minor children of the victim.

*F. Crime*—It is not necessary that a crime already have been committed to obtain this order.

*G. Violation*—The defendant can be arrested for violating a restraining order included in this document. The victim or another witness (police officer) may swear to the warrant.

**Other Court Orders:** A judge may order parties of any type of litigation to refrain from certain behavior. These are usually civil cases which would require a filing fee. The case may be strictly for the purpose of obtaining the order, such as an injunction. However, the restraining order may be temporary (TROs), pending the outcome of the litigation. A judge, however, may issue a restraining order as part of a sentence, or pending the outcome, of a criminal case. There is no one set of particular circumstances under which such an order may be issued. There is no "fill in the blanks" form to request such an order. Legal advice is almost imperative.

*H. Family Relationship*—No requirement. Any party to a dispute may be ordered to refrain from certain behavior.

*I. Crime*—It is not necessary that a crime have been committed, or even that threats of violence exist, to request

such an order. There must be an imperative need or an imminent danger of loss to convince a judge to deny someone's liberty.

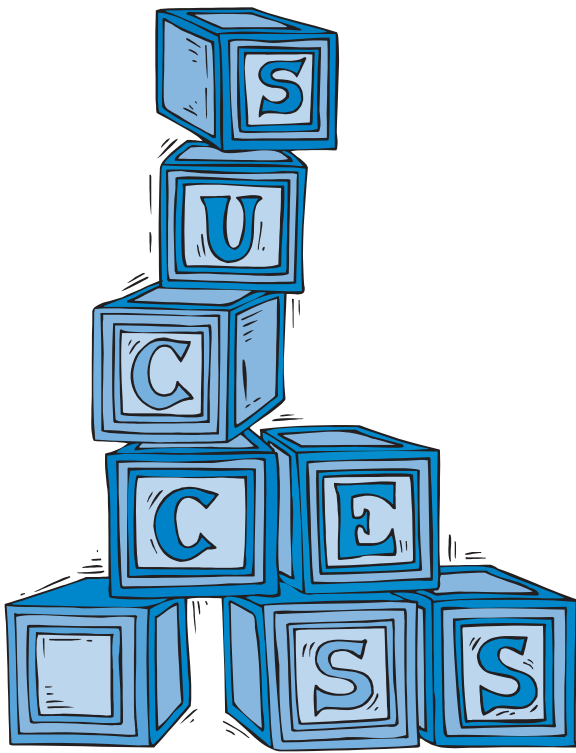
*J. Violation*—A party may be found in contempt for violating such an order. To find contempt, usually there must be a hearing. Only in extreme cases will the judge find a party in criminal contempt and order arrest.

*Note:* This information is meant to be informative only. It is not all-inclusive and it is not meant to be used for legal advice.

—Holly Miller Faems, Montgomery

## Want To Get Away?

- February 24-25: American Judicature Society, "**Rethinking Strategies for Judicial Selection Reform**," Cumberland School of Law, Birmingham, [www.AJS.org](http://www.AJS.org)
- March 1: **American Bar Association's Legal Opportunity Scholarship Fund application**, [www.abanet.org](http://www.abanet.org)
- May 15-16: Alabama Center for Dispute Resolution, **Arbitration Training**, Alabama State Bar Board Room, Montgomery, (334) 269-0409, 269-1515, ext. 111
- July 12-15: **2006 ASB Annual Meeting**, Sandestin Golf & Beach Resort, [www.alabar.org](http://www.alabar.org)
- April 20-22: ABA Law Practice Management Section, **TECHSHOW**, Sheraton Chicago Hotel & Towers, [www.techshow.com](http://www.techshow.com) (register early—by March 10—and save \$300; choose "program promoter registration, promoter code PP104")



# How Can I Be More Successful, Efficient and Content In My Legal Career?

(This is the first part of a three-part series. The author is one of five lawyers in Alabama in private practice who were recently appointed to the Chief Justice's Commission on Professionalism.)

In searching for answers to the question posed above, I recently sought the counsel of ten of Alabama's best lawyers, asking them three questions:

- Describe one activity that has helped you be more successful in your legal career.
- Describe one activity that helps you manage time better.
- Describe one activity that helps you be more content in your legal career.

Each lawyer answered each question. The lawyers surveyed were **Karon Bowdre** (former law professor, federal district judge, Birmingham); **Ken Simon** (former circuit judge, civil practitioner, Birmingham); **Jere Beasley** (civil practitioner, Montgomery); **Robert Cunningham** (civil practitioner, Mobile); **Gorman Houston** (former Alabama Supreme Court Justice, appellate practitioner, Birmingham); **Ken Randall** (former civil practitioner, University of Alabama School of Law Dean, Tuscaloosa); **Bobby Segall** (civil practitioner, state bar president, Montgomery); **Sonja Bivens** (former civil practitioner, federal magistrate judge, Mobile); **Patrick Tuten** (criminal lawyer, Huntsville); and **Susan Conlon** (family practice lawyer, Huntsville).

Three of the lawyers are women and two are African-American. Each lawyer received his or her law license at least eight years ago. Six lawyers are in private practice, three are in public service and one is a law school dean.

*A. How To Be More Successful In My Legal Career*

The answers received were:

1. Committing my legal career to God and seeking to honor Him.
2. Prayer and meditation.
3. Physical fitness—working out. Energy! Endurance!
4. Taking only the cases of which you can be proud.
5. Always being willing to seek the direction and advice of other attorneys when in doubt.
6. Involvement with the legal community. I have solicited advice and counsel from those lawyers and judges with more experience than I. I have made myself available to less experienced lawyers. I treat others with respect.
7. My former law firm required all partners to develop and submit a personal business plan that detailed our professional goals for the coming year, and the steps that we would undertake to reach our goals. Today, I continue to engage in this exercise, but have also begun to incorporate goals for personal growth as well.
8. Spending the extra time necessary to be overly prepared for a trial or other court appearances. In the long run, I believe it has caused me to have better outcomes than I otherwise should have.
9. I believe growing up in a small town and dealing with folks from all walks of life have been extremely helpful to me in the practice of law.
10. Lots of reading about current events, history, politics and business. It has given me a broader perspective on the world and has enabled me to see the “big picture” and put my work in context.

**Next issue: "How to Better Manage My Time"**

—Samuel N. Crosby, Daphne



# Community Mediation Lands at Samford University's Cumberland Law School



Left to right are Judge John Carroll, dean, Cumberland Law School; Cassandra Adams, director, Cumberland's Community Mediation Project; and Henry Strickland, professor and associate dean, Cumberland Law School.

**T**he greater Birmingham area has a new resource—the Cumberland Law School Community Mediation Project. The Project, approved by the faculty last year, is the only one of its kind in a southeast region law school. It will provide confidential cost-free mediation to those seeking dispute resolution of community issues, neighborhood disputes or issues between individuals that would be better serviced through mediation. Cumberland Law School, nationally recognized for its advocacy program, understands the expanding role of attorneys along with the desire community members have in playing a larger role in resolving their own disputes through mediation. The Project is unique because Cumberland established a program geared not only to provide law students with the opportunity to mediate, but also to meet a major community need.

Cumberland's dean, **Judge John Carroll**, says, "Our goal is to provide mediation services to help resolve disputes between organizations and parties who cannot afford the services of a paid mediator while greatly expanding the mediation training of our students."

Community organizations and individuals can seek resolution of problems by contacting the Community Mediation Project office to go through the intake process. Volunteer mediators will come from a pool of trained law students, attorneys and community members. All the training necessary for the volunteers to qualify to mediate will be provided at no cost to the volunteers.

Cumberland's associate dean, **Henry Strickland**, adds, "The mediation process often can resolve disputes and meet peoples' needs without the adversity, cost and delay of litigation. This project will provide the

Birmingham area with a means to use mediation to resolve disputes in which use of a paid mediator is not viable. At the same time, it will increase awareness about the advantages of mediation and provide practical, hands-on training in mediation to Cumberland law students."

For more information about the Cumberland Community Mediation Project, call (205) 726-4257.

—Cassandra Adams, director, Community Mediation Project, Cumberland School of Law

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Sandestin  
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# Alabama State Bar Annual Meeting



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