

Get Your Very Own Legal Philosophy Here

Book Review by Judge Don Lambert

Philosophy of Law, a Very Short

Introduction, by Raymond Wacks,

Oxford University Press, 127 pages,

\$9.95

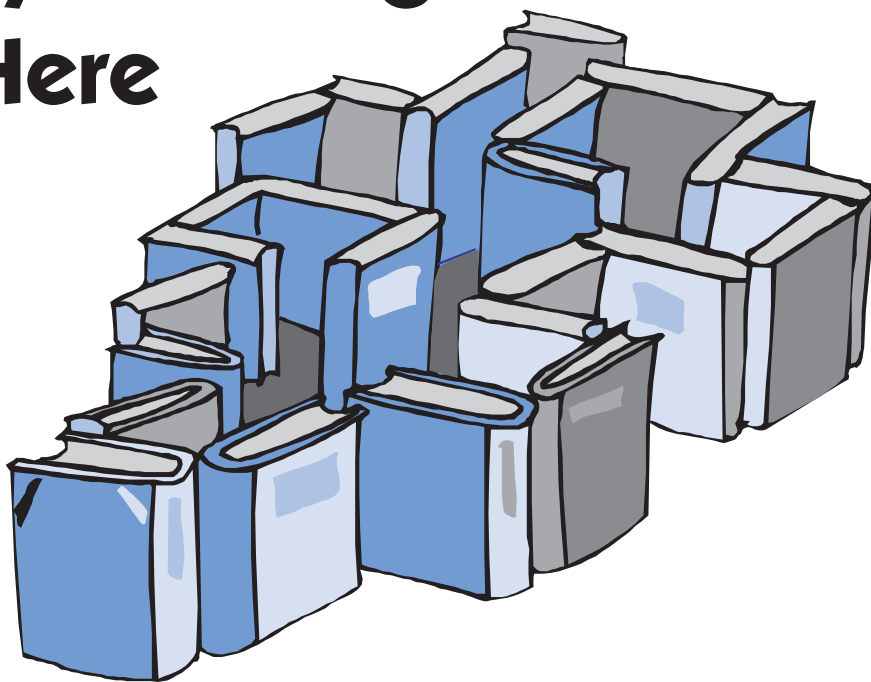
Should a lawyer or judge care about legal philosophy, much less have one of his or her own? So much vies for our time but legal philosophy is worth squeezing in, and a little time spent developing one's own will be rewarded.

The law is huge and is taught in school and at CLE seminars in minute and mind-boggling detail. The big picture is always in danger of getting lost, and a little knowledge about the philosophy of law could provide a framework to the whole thing. It can also give a sense of purpose beyond the worthy but sometimes dreary day-to-day tasks of the law.

However, any book read by most of us on this subject would have to be a short read to accommodate our schedules.

Oxford University's "Very Short Introductions" series provides a solution with Raymond Wacks' *Philosophy of Law, a Very Short Introduction*. Though not written for this purpose, Wacks' book lays out the basic philosophies of law and it is just a matter of picking one you like.

Wacks begins with natural law, the idea that there is a



body of moral law that exists independently of all of us. This philosophy says that law derives from God or nature, depending on your view, and can be discovered through the use of reason. Belief in natural law would provide the practitioner with the firm foundation and peace of mind of serving a higher purpose. Natural law from God was proposed by Augustine and Aquinas and from nature by Hobbes, Locke and Rousseau. Big names—worth considering.

The work of David Hume and his skepticism brought a serious challenge to natural law. Hume denied that laws should be a certain way based on our observation of nature. The philosophy of positivism, that law is only what the government says or "posits," was the ultimate response to Hume's challenge. But what of bad laws? Is obeying evil laws justified? This was the defense at Nuremburg, where positivism took a well-deserved beating. Positivism still survives in modified form, but does it really provide a guide to

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The Alabama Lawyer Assistance Program Welcomes Assistant Director Andrew Brindley



The Alabama Lawyer Assistance Program (ALAP) welcomes Andrew (Andy) Brindley to the newly-created position of assistant director. This additional staff position was instituted by the Alabama State Bar, following recommendations of the American Bar Association Commission

on Lawyer Assistance Programs (CoLAP) review in 2006. Through much input from the bench and the bar, it was determined that ALAP needed increased capacities for assisting law students, attorneys and the judiciary with substance abuse and mental health concerns. Further, didactic presentations on issues pertaining to substance abuse and mental health are to be expanded.

Andy comes to the ASB following nine years of work in substance dependence and mental health counseling with

Bradford Health Services in multiple locations in the Birmingham area. He brings a wealth of knowledge working in direct patient and family care in the inpatient, partial hospitalization, extended care, intensive outpatient, and continuing care levels of treatment. He received his undergraduate degree from the University of Alabama in political science in 1991 and his master's degree in counseling and guidance from the University of Montevallo in 1995, where he was selected to Chi Sigma Iota academic honorary. He is a Licensed Professional Counselor with the State of Alabama and is married to the former Kimberly Dutton, also a Licensed Professional Counselor. They have two children—Gracie, age five, and Ben, age three.

Andy will directly assist Jeanne Marie Leslie and Sandra Clements, administrative assistant, with daily activities of the ALAP program, including coordination of care and monitoring of clients in the program.

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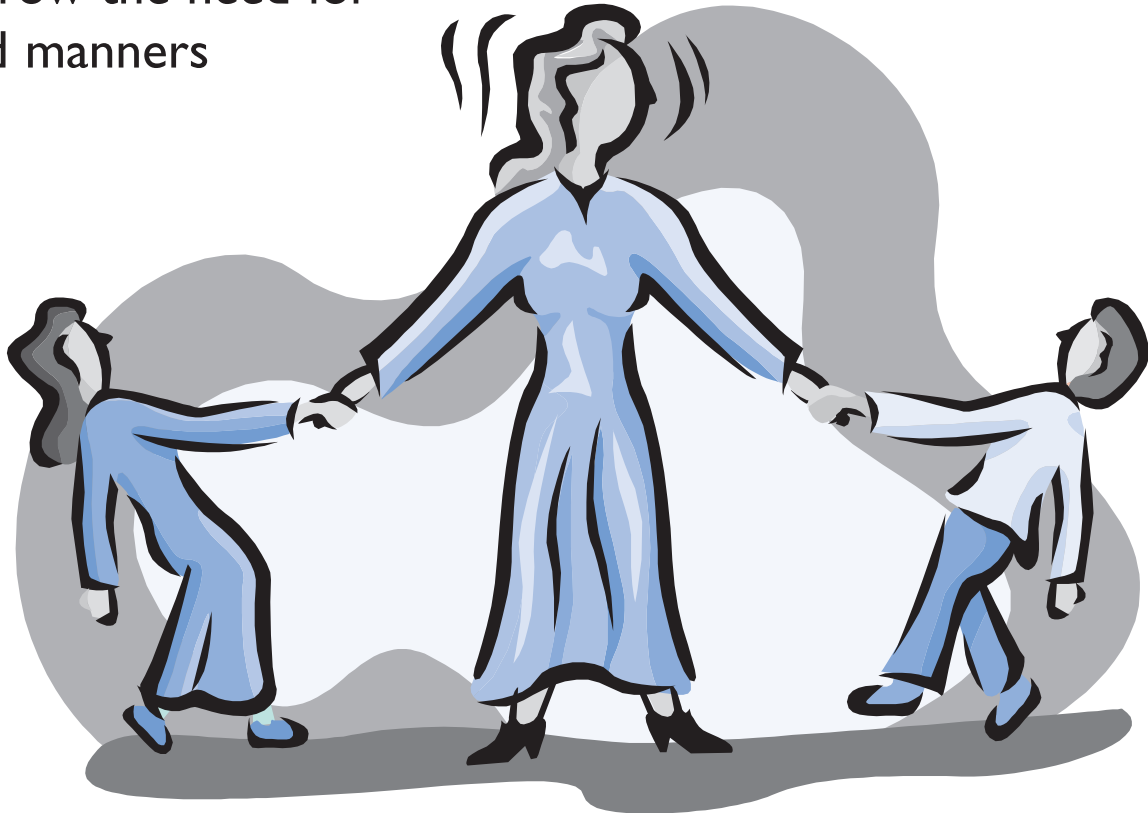
Free online legal research at your fingertips – the most powerful tool a solo or small firm practitioner has. And it's a service for members of the Alabama State Bar.

To find out more, visit www.alabar.org and select *Members* or contact Laura Calloway, director, Practice Management Assistance Program at casemaker@alabar.org.

“Even a child is known by what he does”

Proverbs 20:11

Even after we're grown, we never outgrow the need for good manners



Picture a diminutive preacher's wife in a small Methodist church somewhere in Alabama. As she serenely listens to her husband's inspirational message, she begins to notice that the pew in front of her is moving and that her two youngest children are missing. She peeps under the pew and finds those two missing children, aged about three and one, locked in a battle royale, yet not making a sound!

The preacher's wife whispers to the older of the two, "Brenda, even a child is known by what he does!" And the answer comes back, "Yes, Momma, but I am a she, not a he!" Well, suffice it to say that I lost that argument. But I learned a lesson that has stayed with me all of my life. People know me by what I do.

There is an old saying that integrity is determined by what you do when no one is watching. It is easy to say and do the right things when you know folks are watching you. Do you do the same things when you aren't being watched?

Wouldn't we all be better off if we did?

How would those around me be affected if I always, in every situation, acted with integrity? Would they be more willing to trust me? How would that affect my clients? Would my ability to settle matters or facilitate introduction of evidence at trial be increased?

When I first began practicing law in Anniston, my law partners took great pride in advising me that they could settle a case with the vast majority of the local bar over the phone without a written agreement! It was a matter of integrity, of doing what they said they would do. Wouldn't the practice of law be more fulfilling if that were still the case?

The next time you are tempted to lose your temper or behave in a way that your Momma wouldn't approve, remember that "even a child is known by what he does" and that includes "us girls" too!

—Brenda S. Stedham, Anniston

Mandatory Registration Authorized House Counsel

Since October 2006, the Alabama State Bar has been accepting applications for the new authorized house counsel rule (Rule IX of the Rules Governing Admission to the Alabama State Bar). This rule applies to lawyers who are not admitted to practice in Alabama, but are serving as house counsel to businesses located in Alabama. This is a mandatory registration and the deadline for compliance is October 27, 2007.

Please help by contacting any house counsel that you may know and informing them of this rule.

A copy of Rule IX, the registration form and instructions are available on the bar's Web site, www.alabar.org. For more information contact the bar's membership department at (334) 269-1515.

The Chilton County Bar Association recently elected new officers. They are:

President, Fletcher D. Green,
P.O. Box 1607, Clanton 35046;

First Vice President, Linda Huebner;

Second Vice President, Phillip A. Price;

Secretary, Amy Hayes Naylor; and

Treasurer, Robert Bowers, Jr.

Addendum (USPS 013-915), official newsletter of the Alabama State Bar, is published six times a year (December, February, April, June, August, October) by *The Alabama Lawyer* Board of Editors, P.O. Box 4156, Montgomery 36101-4156. Contributions from members are welcomed and encouraged. Views expressed are those of the authors, not necessarily those of the board of editors, officers or board of bar commissioners of the ASB. Subscriptions: ASB members receive *Addendum* as part of their annual dues payment; \$15 of this goes to subscriptions for *The Alabama Lawyer* and *Addendum*.

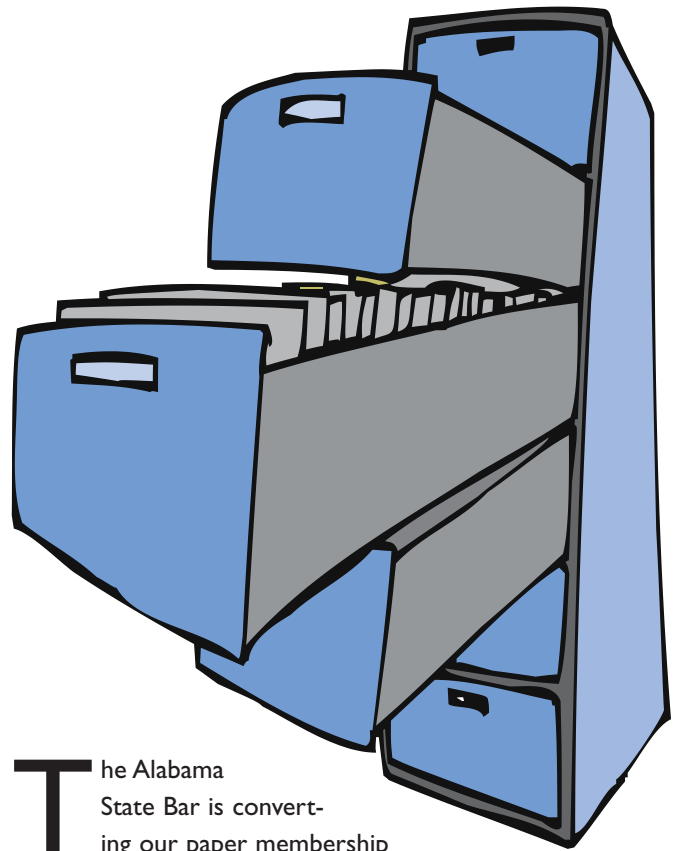
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Postmaster: Send address changes to *Addendum*,
P.O. Box 4156,

Montgomery, AL 36101-4156

Editor: Ashley H. Hamlett, Montgomery,
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You Want It? You Got It



The Alabama State Bar is converting our paper membership files to an electronic filing system. You may request that your original bar application be returned to you once the project is completed. The request must be in writing and there will be a \$10 administrative fee. This offer is being made for a very limited time.

Complete the form below and return it and your \$10 administrative fee to the Alabama State Bar, P. O. Box 671, Montgomery, AL 36101 no later than July 1, 2007.

Full name: _____

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Note: Upon completion of this project the files will be destroyed, so requests made after July 1, 2007 cannot be honored.

The Good and Bad of Coffee

Grab a cup or two and enjoy its benefits

If you were seen with a cup of coffee in your hand 20 years ago, you might have received a lecture on how bad it was for you. However, new studies suggest a few cups can be very beneficial as long as you don't overdo it.

"Moderation may be three cups per day, up to maybe six," said Dr. Robert Keith, a nutritionist at Auburn University.

That little boost of energy every day could prevent some diseases.

"What they find is that people who drink coffee get significantly less type two diabetes, so coffee seems to have a protective effect on that disease," said Keith. However, Keith says diet and exercise are still your best bet for preventing this type of diabetes.

The caffeine in coffee can also be helpful. "Coffee has been shown to have a pretty good striking effect on reducing your chances of getting Parkinson's Disease," Keith said.

Where there are benefits, there are also risks. Coffee also increases the level of a harmful protein. "People with high CRP, or C-reactive protein, levels in their blood are more likely to get some level of cardiovascular disease," Keith said.

Women in particular have to be careful. "Women who



consume lots of coffee seem to have less bone mineral and are more likely to perhaps get the disease osteoporosis, which is a bone-loss disease," said Keith.

—Brock Parker

Rediscover the *Fun* of Writing

Scott Turow, Linda Fairstein, John Grisham won't be entering the SEAK 2007 National Legal Fiction Competition of Lawyers, *but you can*



SEAK, Inc. is sponsoring the sixth annual National Legal Fiction Writing Competition for Lawyers, encouraging lawyers to become more interested in and adept at writing legal fiction.

A short story or novel excerpt in the legal fiction genre should be submitted. The submission should be typed and not exceed 2,500 words. (This will be strictly enforced). The deadline is September 7, 2007 and submissions will be judged on originality, quality of writing and potential of the author. Submissions should not be sent by certified mail.

1. The competition is open to any licensed attorney in the United States and its territories;
2. The attorney's name, address, phone number and e-mail address should be contained in the submission;
3. Only entries received by SEAK, Inc. on or before September 7, 2007 will be considered; and

4. Only one entry should be submitted by each attorney. There is no fee to enter the competition.

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Send submissions to:

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the practitioner? Believing the legislature or court is right because they say so is not the making of a good lawyer.

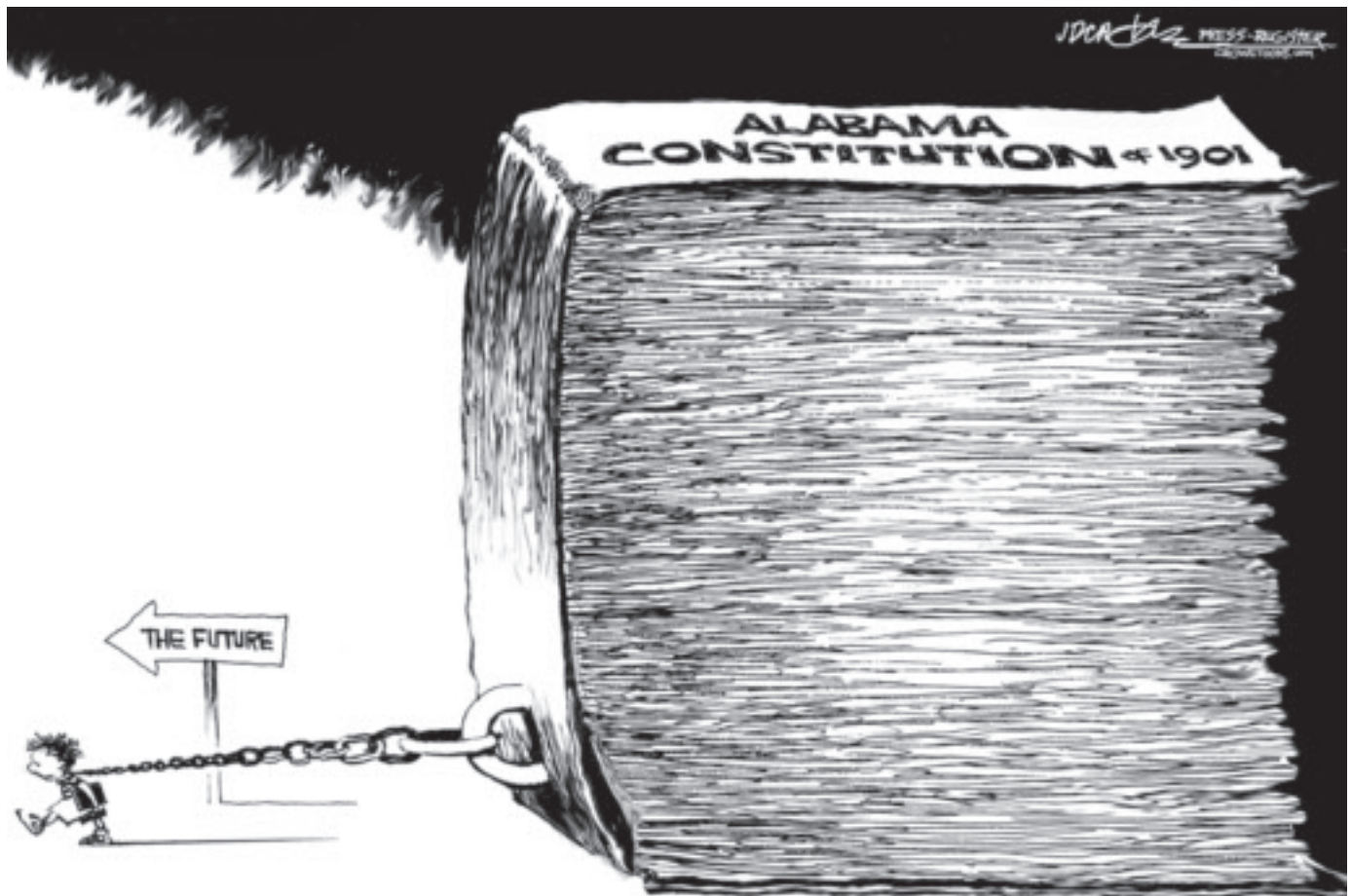
The work of Ronald Dworkin sees law as a process of interpretation, a story that is told from generation to generation where the ultimate goal is individual rights. He believes that there are not just rules but principles underlying the law, which he calls “non-rule standards.” He is especially concerned about the hard cases at law, those that have no clear law pertaining to them. That is the time to reach for non-rule standards to fill in the gap. This appears to be a very pragmatic philosophy, perhaps especially for judges or appellate lawyers.

Also discussed are dead philosophies, such as the work of Marx and Foucault and recently emerging philosophies

like a critical legal theory, feminist legal theory and critical race theory. These later post-modern ideas are diverse and confusing. Most seem to criticize prior legal philosophies as being based solely on the assumptions about the world held by those in charge. These theories, while not well understood by this reviewer, no doubt are a source of powerful inspiration to lawyers who represent disenfranchised persons.

Most of us have some sort of philosophy or faith by which we live our personal lives. Our professional lives could do with one as well. I’m considering natural law with a little Dworkin thrown in.

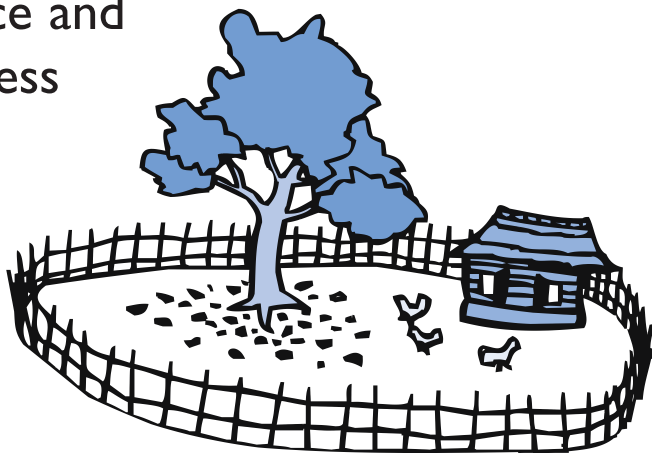
—Don Lambert, Lamar County district judge



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The Discipline of Simplicity

Living with less can actually mean having more – time, energy, patience and happiness



Some of Richard Foster's principles for the outward expression of simplicity have been helpful to me and I hope they will help other members of the Alabama State Bar.

1. Buy things for their usefulness rather than their status.
2. Reject anything that is producing an addiction in you. Learn to distinguish between a real psychological need, like cheerful surroundings, and an addiction.
3. Develop a habit of giving away things. If you find that you are becoming attached to some possession, consider giving it to someone who needs it (de-accumulate).
4. Refuse to be propagandized by the custodians of modern gadgetry. Beware of those words, "It will pay for itself in six months."
5. Learn to enjoy things without owning them. Owning things is an obsession in our culture.
6. Develop a deeper appreciation for creation. Get close to the earth.
7. Look with a healthy skepticism at all "buy now, pay later" schemes. They are a trap and serve to deepen your bondage.
8. Make honesty and integrity the distinguishing characteristics of your speech.
9. Reject anything that will breed oppression of others.
10. Shun whatever would distract you from your main goal.

(Excerpted from the book *Celebration of Discipline* by Richard J. Foster.
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—Samuel N. Crosby, Daphne

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Payments may be mailed to the Alabama State Bar or made online at www.alabar.org. Contact the Membership Department by e-mail, ms@alabar.org, or via telephone at 334-269-1515.


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In the recent *Addendum* article entitled, "Alabama's Great Tradition of Lawyers in the Legislature: Have You Hugged Your Lawyer-Legislator Recently," we unintentionally omitted the name of Benjamin Lewis from the list of members of the Alabama State Bar serving in the legislature. Also please note in that same article that the name of another member of the house was misspelled; the correct spelling is "Paul DeMarco." We apologize for these errors and any inconvenience they may have caused.

—Editors

Periodicals Postage
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Montgomery, AL

Addendum
Published by the
ALABAMA STATE BAR
P.O. Box 4156
Montgomery, Alabama 36101
Published by the Alabama State Bar / www.alabar.org