



## In the Eye of the Budget Storm: A Profile of Judge Albert L. Johnson

Trimming a budget sometimes only increases the expenses

Since September 9, 2003, when voters rejected Governor Bob Riley's tax and accountability package, Alabama's 41 judicial circuits have been trimming court personnel rolls and jury expenses. By the end of November, the 26th Judicial Circuit, presided over by **Judge Albert L. Johnson**, had laid off five of its 13 court specialists. The reverberations of what the governor described as the "worst financial crisis since the Great Depression" are bound to be felt in the court system. Judge Johnson and his colleagues have been thrust into the position of guiding their respective courts through treacherous judicial shoals in the coming years.

Born in Columbus, Georgia, Judge Johnson grew up in rural Russell County. After earning a bachelor's degree in business and political science from Huntingdon College, a master's degree in business administration from Georgia State University and a law degree from Cumberland School of Law, Judge Johnson began a life of service as an assistant Russell County district attorney. From 1982-83, he served in the Alabama House of Representatives, where he supported the work of the Senate-House conference committee on a proposed new constitution to replace the Alabama Constitution of 1901.



In  
October  
1984,

**Governor**

**George C. Wallace** appointed Judge Johnson to the second district court judgeship in Russell County. He served in that position until 1996 when he won the current circuit court judgeship. In 2002, he won reelection to a six-year term. Currently, Judge Johnson handles the civil division of the circuit court while **Judge George R. Greene** presides over criminal cases.

Asked what he cherishes most as a judge, Judge Johnson cited the juvenile court, which, in his opinion, should be at the apex of the judicial system. He believes that the juvenile court needs more resources (probation officers and other professional staff) to deal with the multitude of problems presented by juvenile offenders. More experienced lawyers and district attorneys are needed in the juvenile courts, but with the current fiscal crisis, that goal will take awhile to realize. In spite of that, Judge Johnson said he will "always be a juvenile judge at heart."

—Peter A. Dumbuya, Phenix City



## TechNOTES: Tips from the Law Office Management Assistance Program

### A backup primer—you *do* back up your files, don't you?

**Y**ou know that sick feeling in the pit of your stomach. The phone rang or someone walked into your office just as you were about to save the changes to the brief you spent all afternoon revising, and you accidentally clicked “No” rather than “Yes” when your word processing program asked if you wanted to save before closing the file. All that hard work—down the drain!

Now, imagine your dismay if you came into the office on Monday morning, only to discover that your desktop computer wouldn't boot up or, even worse, your laptop computer had been stolen over the weekend. How on earth would you ever reconstruct all your electronic files?

Every lawyer and firm ought to have a backup procedure, and follow it regularly. Here are some things to think about as you devise the backup strategy that's right for you and your firm.

#### System Backup v. File Backup

A system backup is actually an exact copy of your computer's hard drive, including operating system, programs, settings and all data files. Drive images can be created by programs like Norton's Ghost ([www.symantec.com](http://www.symantec.com)) and PowerQuest's Drive Image ([www.powerquest.com](http://www.powerquest.com)). **Pro:** All you have to do is copy the image to a new computer, and you're back in business. No time is spent reloading programs or tweaking settings. **Con:** System backups take more time to create and take up as much space as whatever is currently on your hard drive. Also, when you copy everything on your hard drive, you also may be copying the latent virus or corrupt file that eventually brought down the system and necessitated recovery.

#### Differential Backup v. Cumulative Backup

If you decide to back up only your data files, you still have to decide which ones to back up, and how often. Some backup software performs a full backup of all files each time, whether or not they've changed since the last backup. Some software copies only back up files which don't appear on any previous backup (differential) and some duplicate all files that have changed since the last backup of any kind (cumulative). **Pro:** The fewer files you copy on an individual backup cycle, the less media (floppies, CDs, Zip disks) and time it takes for that particular backup. **Con:** The fewer files you copy on an individual backup, the more media your files are spread over and the longer it takes to reload all files when restoring after data loss.

#### On-Site v. Off-Site

According to a survey done by Pepperdine University, you are a lot more likely to lose your data due to hardware failure, human error, software corruption or viruses (approximately 88 percent), than to theft or hardware destruction (approximately 12 percent). Nonetheless, if you can't afford to lose your data, you need to store your backup away from your office in the unlikely event of theft, vandalism or natural disaster. **Pro:** Your data is safe in the event of fire or flood. **Con:** You must remember to remove the backup media from the office, or rely on the confidentiality of one of the many Internet backup services.

For more information on safeguarding your data, contact the ASB Law Office Management Assistance Program at (334) 269-1515, ext. 116 or 302.

—Laura A. Calloway, director, LOMAP

# The Full Circle of Legal Training in the United States

The past, the present and the future of the legal profession come together when you become a mentor to a law student. Donate your time *and* wisdom.



Whether you have been practicing law for a number of decades or just a few months, you are sure to remember your first legal experience. Perhaps you walked into the courtroom for the first time with sweaty palms and shaking knees, uncertain of what to expect, and quickly realized you had a lot to learn. Hands-on legal experience plays a vital role in the training of law students and new attorneys, even though many students graduate law school without adequate legal experience. Despite the need for hands-on training, the Alabama State Bar does not require law school graduates to obtain legal experience before entering the bar.

In the 19th century, though, American lawyers traditionally acquired their skills solely through clerkships and apprenticeships with practicing attorneys. The strong emergence of law schools as the path to a legal career began in the late 1800s. The number of law schools in the United States increased from 15 in 1850 to 102 in 1900. The continued increase created an established avenue to the practice of law, taking the place of apprenticeship training. Conversely, in recent years, the American Bar Association (ABA) began endorsing hands-on experience as a necessary prerequisite to the practice of law.

In 1992, the ABA published the *MacCrate Report*, an official recommendation for the practicing bar to participate in

the education of law students. The report encouraged the inclusion of practicing attorneys in the training of law students and young attorneys and suggested that law schools and practicing attorneys should see the training of law students and young lawyers as a “common enterprise.” The report distinguishes the value of academic legal education and hands-on experience—neither one replacing the other. The report also stressed the importance of improving young lawyers’ professional values, professional development and educational value through any work experience with practicing attorneys. These indispensable opportunities rest on the practicing bar.

The training of lawyers in the United States has made a complete circle. Law students and new lawyers will only obtain the chance to gain necessary training with the assistance of practicing attorneys. It is up to current members of the bar to provide this essential educational experience. Have you considered sharing your knowledge and opportunities with a law student?

—Aundrea Mann, third-year law student, Jones School of Law

# Who's the Client Here, Anyway?

Allow yourself to learn from your clients. You'll be the one to benefit from it.



When I graduated from law school almost six years ago, I never imagined myself practicing law from inside a nursing home. I must admit that I was a bit concerned about the length of time it took me to handle a relatively simple matter when dealing with my elderly clients. I explain their will word by word, as my elderly clients interject very detailed comments regarding their life and their family. Although my “hurry up and move on” instinct always looms in the background, I have learned that these clients are very wise and can educate me in many areas, including finance, health, beauty and marriage.

During the time I have spent with my elderly clients, I have learned that the best place to keep your money is in the freezer because that is the last place a thief would ever look, of course. Regarding health and beauty, I have learned that a diet rich in beans and bananas and the daily application of Vaseline on my face will extend my longevity and help me maintain my youthful appearance. Finally, I have learned that the personal relationships we develop during our lives are the most important asset we have. In the words of one of my favorite clients, “You aren’t going to wish you had spent more time at that office when you are on your death bed!”

From my perspective, I am capable of learning so much from those around me if I just take time to notice the potential. I now look forward to my extended nursing home visits with my elderly clients where I can sit for hours, sometimes spellbound by the humor, beauty and words of wisdom that flow so freely. All it takes is realizing that regardless of how long we have practiced law or how “mature” we think we are, there is always real-life wisdom to be gained from even the unexpected. I have learned that

just because I am the attorney in the attorney-client relationship does not exclude me from benefiting from the pro bono wisdom and insight to the splendor of life imparted by my clients on my behalf. Ralph Waldo Emerson once said, “As we grow old. . .the beauty steals inward.” I could not agree more.

—*Marci Johns, Montgomery*

Notice of and Opportunity for Comment On Amendments to the Rules and Internal Operating Procedures of the U.S. Court of Appeals for the Eleventh Circuit  
Pursuant to 28 U.S.C. § 2071(b), notice and opportunity for comment is hereby given of proposed amendments to the Rules and Internal Operating Procedures of the United States Court of Appeals for the Eleventh Circuit.

A copy of the proposed amendments may be obtained on and after August 2, 2004 from the Eleventh Circuit’s Web site at [www.ca11.uscourts.gov](http://www.ca11.uscourts.gov). A copy may also be obtained without charge from the Office of the Clerk, U.S. Court of Appeals for the Eleventh Circuit, 56 Forsyth St., N.W., Atlanta 30303 [phone: (404) 335-6100]. Comments on the proposed amendments may be submitted in writing to the Clerk at the above street address by September 3rd, 2004.





*Addendum* (USPS 013-915), the 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, AL 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 commissioners of the Alabama State Bar. Subscriptions: ASB members receive *Addendum* as part of their annual dues payment; \$15 of this goes to subscriptions for *The Alabama Lawyer* and *Addendum*. Copyright 2004.

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# Mandatory Continuing Legal Education Rule and Regulation Changes

**E**ffective January 9, 2004, MCLE Regulation 2.7 was adopted and MCLE Rule 2.C.2, Rule 3, Rule 5.B, Rule 6.A, and Rule 6.B were amended.

- Attorneys are now required to earn one hour each year of ethics or professionalism credit. The minimum number of hours remains at 12 hours each year.

- Other MCLE Rules revisions include an increase of the late filing fee to \$100 and the late compliance fee to \$100. Attorneys who fail to comply with the MCLE Rules for late filing and late compliance will be required to pay an additional \$300 noncompliance fee.

- Attorneys who reside in and maintain a principal office in another state that requires MCLE and who can demonstrate compliance with his or her principal state of practice are exempt from the 12-hour CLE requirement, but must file the year-end Annual Report of Compliance.

- The rules revision clarifies that assistant or deputy attorneys general and district attorneys, assistant or deputy district attorneys, and public defenders are not exempt from the MCLE Rules.

For a complete listing of all revisions and the full content of the MCLE Rule and Regulation changes, please visit the Alabama State Bar "Member" page at [www.alabar.org](http://www.alabar.org).

*The Attorney General's Office invites you to a reception honoring Assistant Attorney General Carol Jean Smith*

*upon her retirement.*

*August 16th, 2004*

*2:00 to 4:00 p.m.*

*Alabama State Capitol  
Old Archives Chambers  
Second Floor, South Wing  
Montgomery, Alabama  
For more information,  
call (334) 242-7403.*



# Student Mock Trials

A circuit judge shows how to teach students something about the justice system and have fun, while also leaving them with a positive image of the legal profession

**A** rewarding way to become involved with a local school is to work with students to present a mock trial. Here are a few suggestions to consider, based primarily upon mistakes I have made in presenting several trials, as well serving in various PTA offices at the local, system and state levels. Of course, all activities must be conducted in compliance with the volunteer policies of the particular school.

## **Identify a specific teacher with whom you will work.**

Often, we offer to help schools in general terms and nothing happens. Administrators, principals and faculty members are receptive to proposed partnerships with the legal profession, but they are extremely busy. You must take the initiative and provide the details of your specific plan to an individual teacher. Once the teacher has approved your idea, he or she can obtain permission for the project from the appropriate administrator(s).

## **Be specific in your proposal.**

Again, vague ideas rarely materialize. Tell the teacher you would like to work with a group of students over the course of a semester or academic year developing and presenting a mock trial. The teacher can identify the appropriate class. A goal could be to present the mock trial to the school or your local bar association.

## **Identify specific times you will work with the class.**

While this is very difficult in our profession, you must provide a schedule. I have found it helpful to first identify a convenient time of day, then commit to being in the classroom during that time period on one of alternate days during the week or every other week. For example, if the convenient time is 8-9 a.m. Wednesday or Friday, the teacher will know that if you were not able to appear on

Wednesday, you will be there Friday. And, *show up*. While there will be unavoidable conflicts in our profession, nothing ruins your credibility with the students and teacher more than being a no-show without notice. Notify the teacher in advance if you cannot be there when scheduled.

## **Lead.**

Many students will naturally attempt to turn this time into a chance to gossip or sleep. While having fun with the project is very important to be effective, you must be in control. Don't allow the students to become unruly. If you need help in maintaining order, ask the teacher privately for assistance.

## **The teacher's rules rule.**

If you are asked by a student if he/she can do something or refrain from doing something, assume that the teacher has already answered the question. Before responding, ask the student whether the teacher has a rule on the subject. The only person who can authorize any deviation from the classroom rules is the teacher.

## **Be encouraging.**

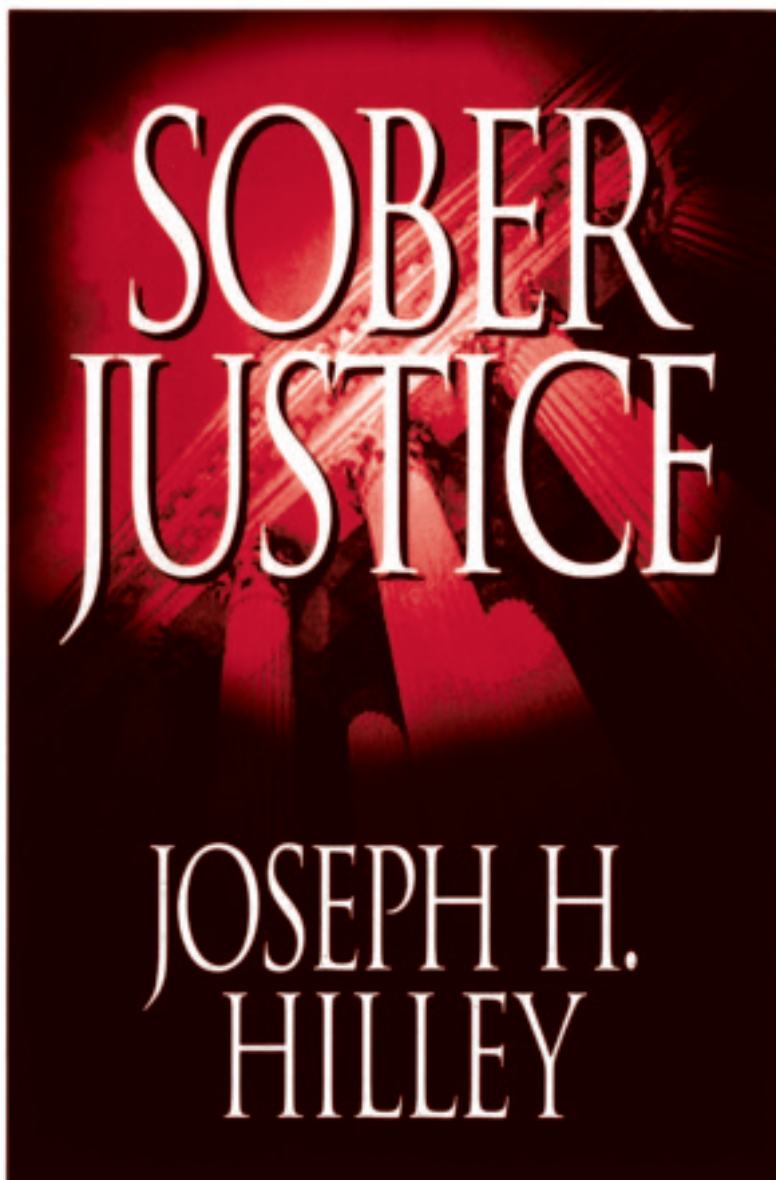
Most students will be extremely reluctant initially to speak in front of their peers, and you will need to provide constant encouragement and support for several weeks to keep their focus and develop confidence.

## **Don't be discouraged.**

Students watch a lot of television, and they expect real lawyers and trials to be just as dramatic. You will have days where some students appear completely disinterested. That's to be expected, but if you are always prepared, show up, and laugh with and encourage them, you will leave the students with a positive image of the legal profession, teach them something about the justice system, and have fun in a rewarding experience.

If you would like a copy of the mock criminal trial I developed, contact me at [scott.donaldson@alacourt.state.al.us](mailto:scott.donaldson@alacourt.state.al.us). The initial cast of 17 students can easily be expanded or reduced. Good luck!

—Scott Donaldson, circuit judge, Tuscaloosa County



## For the Love of Justice— Sober Justice, That Is

By Joseph H. Hilley

Reviewed by Gloria J. McPherson,  
editor, *Addendum*

This attorney-turned-fulltime-  
author *did* give up his day job,  
and found satisfaction and a  
new career

It is the story of Mike Connolly, a 50-something attorney who finds himself at mid-life hopelessly alcoholic, divorced and estranged from his only child. He lives with an exotic dancer half his age and earns a meager living from a dwindling legal practice. His life takes an unpredictable turn when he is appointed to represent a black man, Avery Thompson, accused of murdering Keyton Attaway, a prominent plaintiff's attorney.

Connolly is at first unenthusiastic about the case, but as he uncovers the facts surrounding Attaway's death, he becomes convinced that his client is innocent. As he delves deeper into Attaway's life, Connolly moves deeper into the web of conspiracy that led to Attaway's death, and deeper into his own troubled life. The action builds to a dramatic and surprising conclusion as Connolly, though facing certain death, finds freedom from the corruption that grips his soul.

*Sober Justice*, with its complicated web of intrigue and deceit, is balanced by the realization that sometimes even time and circumstances must yield to a higher purpose.

When Joe was asked what he would do differently if he could do it over again, he replied, "The last five years have been a blessing from God. I wouldn't change a thing."

[*Sober Justice*, Joseph H. Hilley, ISBN: 1-58919-022-X]

In 1999, **Joseph H. "Joe" Hilley**, though still unpublished and with no prospect of writing for a livable income, walked away from the practice of law and gave himself to the task he'd always wanted to pursue—writing full time.

Joe's dream of finding an outlet for his creative energy is now a reality. His first novel, *Sober Justice*, will be released in September and his second book will be released in 2005. And, yes, he is working on a third book.

Joe was reared in Grand Bay near the vast expanse of marsh grass and low country, which provides the backdrop for *Sober Justice*. Since he was a little boy, Joe loved listening to stories and relished weekend visits with his grandfather and uncles as they rambled through the Alabama countryside—talking, listening, meeting new faces with new stories behind them.

*Sober Justice* is a legal mystery in the Grisham tradition!

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ALABAMA STATE BAR  
P.O. Box 4156  
Montgomery, Alabama 36101