

Addendum

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Baldwin County Attorney Answers the Call, Rolls Up His Sleeves

Marrow or blood cell transplant is a potentially life-saving treatment for patients with leukemia, lymphoma and other blood diseases.

Scotty Lewis, a 34-year-old attorney from Bay Minette, took part in a donation last year through the Department of Defense after learning he was a match for a 23-year-old woman with leukemia.

A transplant replaces a patient's unhealthy blood cells with healthy blood-forming cells from a volunteer donor. Patients who do not have a suitably matching donor in their family may search the National Marrow Donor Program's (NMDP) registry for a donor. The three sources of blood-forming cells are marrow; blood-forming cells collected from blood, called a PBSC donation; and umbilical cord blood.

Lewis said he registered with the Bill Young National Marrow Donor Program about seven years ago while on active duty as a lawyer in the U.S. Army. He was identified as a match for the woman last summer.

Lewis, who works for Stone, Granade & Crosby, was to donate in September 2005 but the recipient relapsed and the procedure was rescheduled for December 2005. Lewis traveled to Washington, DC for five days to undergo aphaeresis.

To increase the number of blood-forming cells in the bloodstream, donors receive daily injections of filgrastim that separates out the cells used in transplantation, and the remaining blood is returned through the other arm.

Lewis said he reported to a clinic in Virginia for the first four days for about 30 minutes each day to have his vital signs recorded and receive injections to increase his bone marrow production.



"They scare you to death going into it," he said of the procedure. "They tell you it could range from feeling nothing to feeling sick. But my reaction was fairly mild, in my opinion."

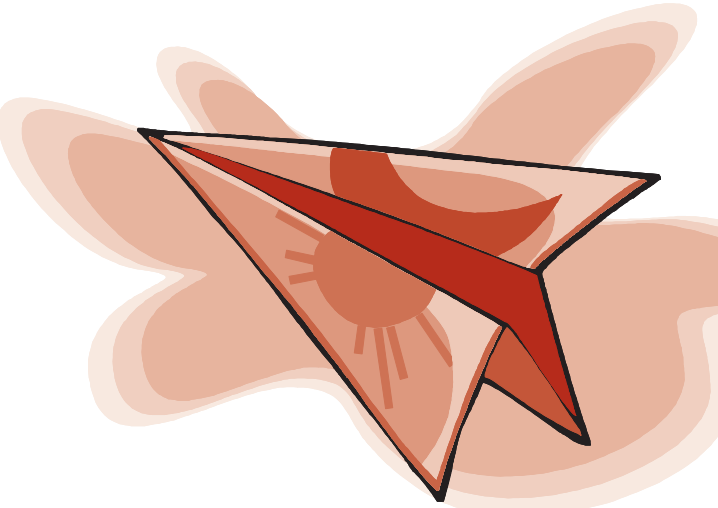
Then, on the fifth day, Lewis said he received his last round of shots. Blood was drawn, processed and returned to his body in a process that took about five hours.

PBSC donors report varying symptoms, including headache, bone or muscle pain, nausea, insomnia, and fatigue while receiving the injections of filgrastim, according to the NMDP's Website. These effects disappear shortly after collection. During the collection, donors may experience a tingling feeling or chills. These, too, go away shortly after donating.

Lewis said he experienced some mild discomfort but, otherwise, the experience was a positive one. "I absolutely recommend it," he said. "I think it is a worthwhile cause."

As a father of two, Mary Stuart, age three, and Langston, who is one, Lewis said there is no choice but to agree to donate. "I always thought if one of my children was sick that I would like someone to donate to them."

—This article by Lesley Farrey Pacey is reprinted in part from the February 16, 2006 edition of The Mobile Press-Register.



Is the Bar Exam Your Last Test, or Simply a "Test Flight?"

When my sister completed the Georgia Bar Exam, she said to our father, "I'm so glad I'll never have to take another test!" Dad, who was also an attorney and a decorated Marine fighter pilot in WWII, pondered her musings and quietly observed, "Honey, if you're going to practice law, you're going to be taking a test every day for the rest of your life."

Twenty-five years later, his words still ring true. In them are lessons both "fledgling" practitioners and "flight-proven" vets can learn from and live by every day. In the practice of law, as in aviation, tests confront us daily, from every quarter and every angle. We consistently face issues which draw on every building block of our education, ethics and experience, and our task in serving clients is to keep a balanced focus on the fluid equilibrium that defines us as people, attorneys, counselors and advocates, and keeps us "aloft" as officers of the court. Although maintaining such focus often equates to keeping plates spinning on poles, our challenge in staying above it all is met by adhering to the truth of pausing long enough to *think* like a lawyer, in making certain we have adhered to all the basics, and touched every item on our pre-flight checklist.

Consider our role as a legal "pilot," a professional legal aviator charged with safe delivery of passengers and cargo. We must account for myriad factors, from the weight of our charge, to weather, local conditions and possible turbulence, to operational systems and fuel consumption required to reach our destination.

Is the task too heavy or foreign for us to carry safely?

Do we know the judicial terrain and climate into which we are venturing?

Are we sufficiently experienced with applicable rules,

routes and local custom?

Are we prepared with the resources to carry out the task, should it become more arduous or difficult than anticipated?

Are we equipped with enough self-control and resolve to adjust to sudden emergencies or route changes?

Each representation or flight is unique, requiring us to complete the legal "pre-flight checklist," to determine if all systems are go, no matter how many times we have flown the route. Should we forget, or become complacent and overlook basic elements of maintaining the fluid equilibrium, we can quickly veer off course and possibly end up in a deadly "tail spin" with little warning. Unless we are fully prepared, clients, like passengers, can become frustrated or alarmed, and unlikely to use our services again.

Just as professional aviators are trained and tested daily to remain strong, focused and calm, regardless of the circumstances or conditions, we, too, should strive to stay above it all, as we shepherd our clients through the myriad flight paths and certain turbulence of the legal system.

By the way, where do you think the term "Legal Eagle" is derived ... ?

—Thomas S. Hale, *Burgess & Hale, Birmingham*

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The Best Way to "Catch" New Clients? Find Their Associations and Get Actively Involved

Studies show it takes eight to 11 "impressions" to convert a prospect to a client. And, it takes five to seven times more time, effort and energy to generate a new matter from a new client than from an existing one. Finding new clients takes time, commitment and perseverance.

How do you create these impressions? And, where is the best place to invest that precious time, effort and energy?

To use a fishing analogy, you've got to first figure out what kind of fish you want to catch and then hang out where they do. The "fish," of course, are the prospective clients. The place they hang out—the "reef"—is their association. It's where they go to be with others like them. It's where they keep abreast of industry trends. And you need to be there, one of the fish, part of the school, actively involved and, one day, leading the way.

When it comes to organizational involvement, most lawyers join and seldom go. Or they pick the wrong organization for business development purposes. Below are the first five of our top ten recommendations to maximize client development from involvement in associations.

#10) Stay Out of the Bars

Your parents always said that hanging out in bars only leads to trouble. From a business development perspective, spending lots of time in bar associations is not the best place to meet and build relationships with prospective clients. Alas, many lawyers find comfort here among other lawyers and they call it "marketing." Find somewhere else to go.

#9) Figure Out What You Want to "Catch"

The more clearly and narrowly you define your target audience—the kinds of clients you want—the more effective your business development efforts will be. Lawyers want to be all things to all people and try to market everything they do. But if you spread your marketing time and dollars too thinly, you wind up catching nothing. Also, market what you want, not what you do.

#8) Think Industry, Not Area of Law

Most lawyers like to market their areas of law, such as corporate, tax, environmental or litigation. Clients, though, look for lawyers with knowledge and experience in their industries, such as construction, entertainment and health care. Market to an industry, not your area of law. Get involved in an industry trade association. Many law firms, following the lead of banks and CPA firms, have created Industry Practice Groups.

#7) Do Your Research and Develop a Short List

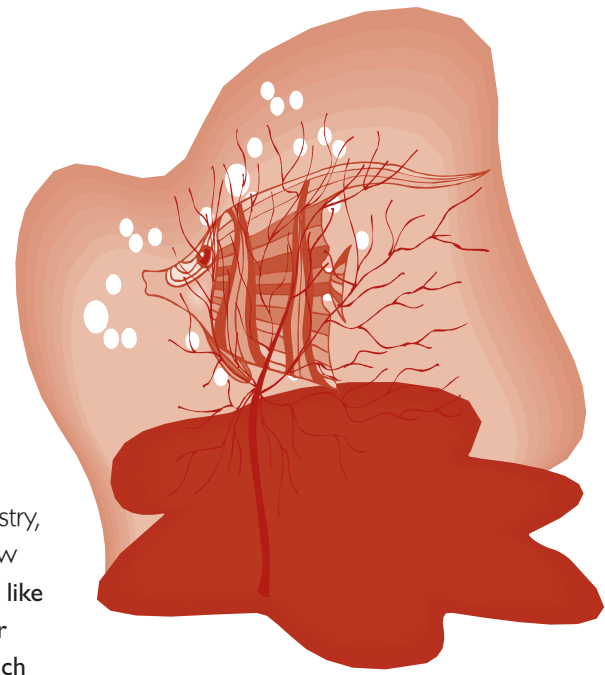
There are associations for just about everything. Do online research. Talk to clients and prospective clients about the organizations to which they belong and check out their Websites. Talk to a board member about upcoming meetings and opportunities for you to get involved. Find out where other lawyers are involved. Look for a target-rich environment where you can get involved.

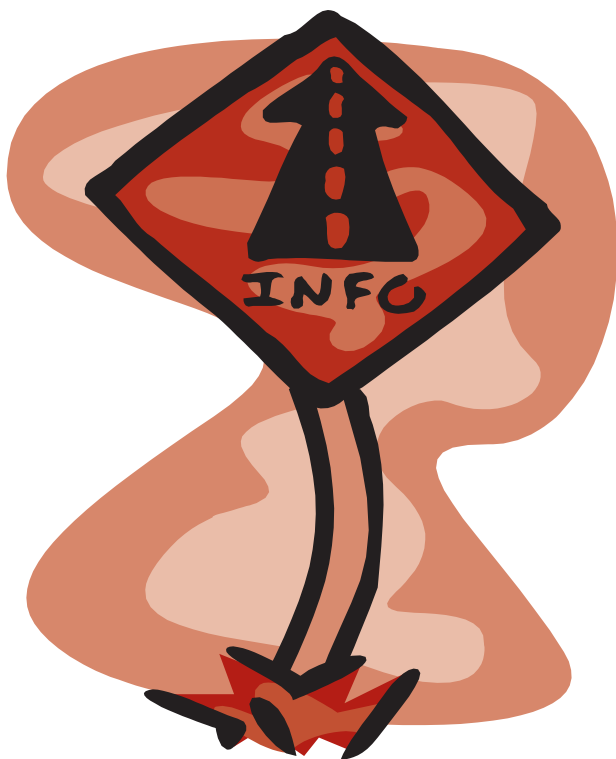
#6) Pick One and Go Deep

Go to a meeting of each group you have identified. Ask a client if you can go as a guest. Conduct due diligence, because once you find the right organization, you must be active and invest lots of time to make it pay off. Find the right group—just one—and go deep. That's far more effective than peripheral involvement in three or four.

If the organization you seek isn't out there, start it. That's what we've done with the Managing Partner Forum (www.ManagingPartnerForum.org) and we've worked with many law firms to create similar opportunities.

Next issue: Recommendations five through one
—John Remsen, Jr., president, *TheRemsenGroup*, a marketing consulting firm working exclusively with law firms, ©2006.





noteworthy

Keep up to date with the latest court announcements, as well as local bar news and ASB section activities

New officers for local bar

The Young Lawyers' Section of the Montgomery County Bar Association recently elected new officers and directors. Officers are **Adrian Johnson** of Parnell, Crum, president; **Tanya Hugas** of Beers, Anderson, vice president; and **Bill Robertson** of Beasley, Allen, secretary/treasurer. New directors are **Arden Pathak** of Capell, Howard; **Kelly Pate** of Balch & Bingham; **Louis Clligas** of Balch & Bingham; **Scott Speagle** of Hill, Hill, Carter; and **Chris Waller** of Ball, Ball.

Section donates \$9,100 to childrens' homes

The members of the **Family Law Section** raised \$9,100 at their 2006 annual CLE conference in Destin for John Croyle's Big Oak Ranch, which operates three homes for

children in northeast Alabama. The money was raised during a silent auction at the three-day conference. Members of the section donated items for the auction.

Section hosts, honors state's female judges

The **Women's Section** is hosting the annual Winter Judges' Conference, January 17, 2007, from 10:30 a.m. to noon. This brunch, held at the Marriott Hotel (The Lodge) in Auburn/Opelika, serves to honor women judges statewide. Tickets are \$25 each. For more information, contact Kelly Lee at kellylee23@netzero.com.

New resource for Alabama attorneys, public from State Law Library, Supreme Court

The Alabama Supreme Court and State Law Library created a Weblog to get information to attorneys and the general public quickly and efficiently. Located at www.supremecourtlibrary.wordpress.com, the blog includes book reviews, articles on little-known library resources, new works at the library available for loan, links to informative resources, and directions for submitting your own articles. "Check it out."

NOTICE OF AND OPPORTUNITY FOR COMMENT ON AMENDMENTS TO THE RULES 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 of the U.S. Court of Appeals for the Eleventh Circuit.

A copy of the proposed amendments may be obtained on and after December 1, 2006 from the court's Website at **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., NW, 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 January 2, 2007.

Casemaker Expands Online Legal Research Capabilities

Casemaker announces a major expansion to all of its online legal research libraries. By the end of 2006, the Casemaker Website will contain legal libraries for all 50 states. Casemaker is enlarging its current selection of state libraries to include all appellate case law, state constitutions, rules of court and current statutes, as well as other selected items.

In addition, Casemaker's federal library will be expanded to include federal appellate decisional law that will have older U.S. Supreme Court and U.S. Circuit Court decisions. Most U.S. Circuit Court opinions will be available from as far back as 1950, except for the 11th (1981), Federal Circuit (1982) and 2nd (1924). U.S. Supreme Court decisions will be available from its inception in 1754.

The Casemaker Website is also being improved, with expanded and simpler search capabilities. Casemaker users will find searching more user-friendly, allowing both Boolean and



natural language searches. Enhancements now allow Casemaker users to search simultaneously in multiple state and federal libraries.

Casemaker will retain its unique thesaurus function which allows users to search for words which are similar or related to the topic. Users will continue to search using prefix and suffix expansions, another feature unique to Casemaker.

Launched by the Ohio State Bar Association (OSBA) and Lawriter® LLC in 1999, Casemaker is available to members of 24 state bars, including the Alabama State Bar, and serves more than 438,000 American lawyers.

**“I’ve used Casemaker hundreds of times and now I can’t log in!
What’s wrong with it?”**

We get this call a lot at the Alabama State Bar. Invariably, the problem is the user’s ASB number as password. The last part of all ASB numbers is composed of a letter, a two-digit number and another letter. The letters are capital letters and the password log-in is case-sensitive. If you’ve logged in before without problems and can’t get in now, first check to make sure that you are not entering the capital letter “O” as a zero. Also, make sure you don’t have your “Cap Lock” on, which will result in the two-digit number being entered as the symbols above the numbers on the number keys.

Book Review

Domestic Violence Law In Alabama

The more you know about this terrible blight affecting all levels and classes of society, the more you can do something about it



Authored by Judge Pamela W. Baschab, Alabama Court of Criminal Appeals, and Judge Daniel Reeves, Shelby County Circuit Court; reviewed by James D. Hamlett, Montgomery

For the attorney practicing law in areas involving domestic relations or criminal issues in Alabama, there is a valuable source to help in his or her practice. **Judge Pamela W. Baschab** and **Judge Daniel Reeves** have written an exhaustive work that compiles the laws in Alabama that touch upon the subject of domestic violence and provides valuable interpretation and practical examples of the application of these laws in the courtrooms of this state.

Domestic Violence Law in Alabama was published by the Alabama Bar Institute for Continuing Legal Education (ABICLE) in 2005. It is divided into two parts—"Domestic Violence Law in Alabama: Criminal," by Judge Baschab, and "Domestic Violence Law in Alabama: Civil," by Judge Reeves.

For those who are not aware, Judge Baschab is currently a member of the Alabama Court of Criminal Appeals. In the first section of the book, which deals with criminal domestic violence laws in Alabama, she provides a logical, detailed and interesting listing of the statutes and case law covering this area. Not only does Judge Baschab provide the black-letter

law and legal interpretation of the law, but she also includes personal comments from the cases that she was involved in as an attorney and as a judge. The latter information is priceless as a practical tool in seeing these laws in action.

Judge Reeves is a trial judge sitting on the Circuit Court of Shelby County, Alabama. In the second section of the book, dealing with civil domestic violence laws in Alabama, Judge Reeves provides a step-by-step approach to working on a case involving domestic violence. His advice includes the effect of the relationship status of the parties to the violence, i.e. married or blood or dating, and how this might affect the applicability of certain laws in a civil action. Judge Reeves's experience from the bench shows through in his easy-to-follow practical advice to the practitioner.

This work is an incomparable tool for the prosecutor, or criminal defense or domestic relations practitioner. The book is available through ABICLE on their Website, www.law.ua.edu/abicle/publications.html.

ATTENTION: Please note that the **Daniel Pinson Rosser** of Birmingham, who was cited in the "Disciplinary Notices" section of the November 2006 issue of *The Alabama Lawyer* magazine, is **NOT** to be confused with **Charles Daniel Rosser, Jr.**, who practices in Tusculumbia.

ASB PUBLIC EDUCATION CAMPAIGN: Both Sides of Constitutional Reform

Think you've got all the facts and don't need any more information? Think you've made up your mind and there's no changing it? Read on

The Alabama State Bar announces the release of a new public education brochure, *Constitutional Revision in Alabama*.

Alabama State Bar President “Boots” Gale said, “Lawyers are stewards of the constitution and the rule of law. The state bar supports the efforts to rewrite the Alabama constitution to more effectively govern the state. We prepared this material so that voters can make an informed decision as to both the pros and cons of a constitutional convention and the merits of the proposed reforms.”

In February, legislation was introduced to allow citizens to call for a Constitutional Convention to revise the state's 1901 constitution. That legislation never made it to the floor for a vote.

Gale noted that the 105-year-old document has 743 amendments (dealing with such items as bingo, mosquito control, catfish, soybeans, dead farm animals, beaver tails, and

prostitution), while the national average is 116. The constitution itself is easily the longest in the nation and is 12 times longer than the typical state constitution. “I doubt even Harry Potter could find his way out of this maze. It likely deters citizens from reading and understanding their own governing document,” he said.

Single copies of the 12-page booklet, which was prepared by the state bar's Public Relations Committee, are available by sending a stamped, self-addressed 9"x12" envelope with the words “Constitutional Reform” on the front to: Alabama State Bar, P.O. Box 671, Montgomery 36101, or downloaded as a PDF at the bar's Website: www.alabar.org/ConstitutionalRevision-for-web.pdf.

The Alabama State Bar is dedicated to promoting the professional responsibility, competence and satisfaction of its members; improving the administration of justice; and increasing public understanding and respect for the law.



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