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ADDENDUM

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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; [Linda Flippo](#), assistant editor; or [Margaret Murphy](#), managing editor.

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- Bench and Bar Luncheon
- Celebrating the Diversity of the Profession CLE and Gathering

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FRIDAY

- Maud McLure Kelly Luncheon
- Tony McLain Memorial Golf Tournament
- Women's Section Silent Auction Fundraiser
- President's Closing-Night Family Dinner and Children's Party

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SATURDAY

- Grand Convocation and Grand Prize Drawing
- Installation of 143rd President of the Alabama State Bar
- Presidential Reception

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> Judge Roman A. Shaul Selected as State Bar General Counsel

The Alabama State Bar Board of Bar Commissioners voted to select Circuit Court Judge Roman A. Shaul as the organization's general counsel. Shaul follows Acting General Counsel J. Douglas McElvy who took the position last year after the passing of longtime General Counsel J. Anthony McLain.

"I am deeply appreciative to the members of the Board of Bar Commissioners and the General Counsel Search Committee for their diligence and commitment to a process that we developed and followed in securing the new general counsel for our bar and its members," said President Augusta S. Dowd. "All of Roman's references were fully supportive and effusive in their praise of Roman as a person and as a professional. Roman is an Alabama lawyer with nearly 20 years of broad legal experience ranging from title work to trial work (both plaintiff and defense) to his current service as a trial court judge in Montgomery County. Those of us who know Roman are confident that he has the ability, judgment and temperament to continue the good work of the Office of General Counsel and take it to the next level."

Shaul received his undergraduate degree at the University of Alabama and his law degree from the University of Alabama School of Law (1998). After graduating, Shaul spent 19 years in private practice at firms in Tuscaloosa and Montgomery before being appointed circuit court judge for the 15th Judicial Circuit.

"When you love what you do, and the people you are with, the service comes naturally. I love lawyers and our great profession," said Shaul. "Beyond our legal responsibilities, it is important for lawyers to serve the profession and communities in which we live."

Shaul is past president of the Alabama State Bar Young Lawyers' Section, past chair of the Wills for Heroes Committee and past chair of the Alabama Bar Admission Ceremony. He has been a member of the Volunteer Lawyers Program and the Leadership Forum, Class II.

Shaul is on the board of trustees at First United Methodist Church in Montgomery and the board of directors at the Samaritan Counseling Center. He also serves on the Jimmy Hitchcock Memorial Award Committee, a highly regarded award recognizing Christian athletes in Montgomery.

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> **Five Keys** to Hiring and Retaining Diverse Attorneys

By Kimberly Lockhart Bell



Recognize there is a disparity.

As with anything, the first step to recovery is recognizing and admitting there is a problem—in this case, a lack of diversity problem. Statistics show the legal profession lacks diversity. The ABA reports that nationwide, 85% of lawyers are Caucasian, 5% African-American and 5% Hispanic;

64% are male.¹ In Alabama, out of 18,000+ attorneys, 91.6% are Caucasian and 6.9% African-American; 67.7% are male.² Countless other statistics are missing, including nationality, religion, LGBTQ, ages and other backgrounds.

Concurrently, you must look to your firm and perform a reflective self-analysis. If your firm has a disparity and underrepresentation of certain diverse groups, a diversity or affirmative action plan is needed to start to the process of change.³



Be proactive and think outside the box with recruiting efforts.

Keep doing the same things, and you'll keep getting the same results. The same holds true for recruitment of diverse candidates. Does your firm actively seek out diverse applicants or are they waiting for diverse lawyers and law students to contact

them? If so, they likely will be waiting a long time. Due to the relatively small number of minorities and individuals with diverse backgrounds in law school and practice (another problem for another day), law firms must be proactive and creative when seeking diverse attorneys.

Asking individuals in a predominately white-male firm who they know to hire is simply not going to work to increase diversity. Ideas include searching for non-traditional candidates, attending minority job fairs, recruiting from HBCU law schools and participating in law school events with diverse law school organizations.

If you actually look for diverse candidates, you just may find that they aren't hiding.



In the hiring process, underrepresented, diverse characteristics should be considered as a plus factor.

While quotas are clearly illegal, when there is underrepresentation, a candidate's diverse characteristics should be considered a plus factor in evaluating all of the

candidate's attributes.⁴ This plus factor can lean the scale toward a diverse candidate.

You may evaluate your firm's hiring process for inappropriate implicit and explicit bias. We have an implicit bias when, rather than being neutral, we have an unconscious preference for (or aversion to) a person or group of people.⁵ The screening process is likely where many qualified candidates are lost. In evaluating the firm's hiring process and whether implicit bias is present in the decision-making, those involved in hiring may take a test offered by Harvard University's Project Implicit, see <https://implicit.harvard.edu/implicit/takeatest.html>. The American Bar Association's Implicit Bias Initiative has resources for helping overcome bias. <https://www.americanbar.org/groups/litigation/initiatives/task-force-implicit-bias.html>.

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Five Keys to Hiring and Retaining Diverse Attorneys

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Once hired, provide a welcoming environment that accepts people for who they are.

Recognize that we all share more in common than that which divides us. All people, including those with diverse backgrounds, want to feel accepted. People like to feel that they are a needed part of a team. They want to feel appreciated and that people actually care about them. People with diverse backgrounds need mentors and sponsors—people who will be in their corners and who will advocate on their behalf when they are not in the room. Some ideas include establishing affinity or inclusion groups, ensuring the committees and leadership include diverse people and simply talking with diverse hires about what is going well and what could go better.



Rinse and repeat.

It will take some time for this process to balance the scales of justice. So, in short, go back to step 1 and do it all over again until a diverse work-

place is achieved.

Endnotes

1. See ABA National Lawyer Population Survey—2018, https://www.americanbar.org/content/dam/aba/administrative/market_research/National_Lawyer_Population_Demographics_2008-2018.authcheckdam.pdf.
2. See Alabama State Bar Statistics 2017, <https://www.alabar.org/about-the-bar/member-statistics/>.
3. See 29 C.F.R. §§ 1608.1-4.
4. See 29 C.F.R. § 1608.4.
5. See “Implicit Bias,” Perception Institute, <https://perception.org/research/implicit-bias/>.

Kimberly Lockhart Bell practices in Birmingham with Balch & Bingham LLP.

> IMPORTANT NOTICES

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 2018 (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



Albritton

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, 2018**. For more information about the nomination process, contact Linda Lund at (334) 517-2246 or via email.


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> ALABAMA STATE BAR AND ALABAMA ATTORNEY GENERAL'S OFFICE ANNOUNCE

Winners of Alabama Legal Food Frenzy

Alabama State Bar President Augusta Dowd and Alabama Attorney General Steve Marshall announced the winners of the Alabama Food Frenzy, a statewide competition that was held April 23 through May 4 among law firms to benefit Alabama's eight regional food banks. This third year of the Legal Food Frenzy saw the donation of the equivalent of more than 240,000 pounds of food, three times the amount raised just last year.

The Alabama State Bar joined with the Attorney General and the Alabama Food Bank Association to coordinate this event. Food was collected and weighed at each regional food bank. Monetary donations were also accepted and counted as four pounds of food for each dollar. The law firm or legal organization that collected the most pounds of food per employee receives the Attorney General's Cup, with other honors awarded in categories based on the firm's size.

"Alabama lawyers live out our state bar's motto, 'Lawyers Render Service,' in daily interactions with their clients and their communities," explained Alabama State Bar President Augusta Dowd. "The Legal Food Frenzy, now in its third year, is a tangible example of the power lawyers have when they work together toward a common service goal: providing support for our fellow Alabamians in need of food assistance. The timing of the Legal Food Frenzy is no accident. When the 390,000 Alabama children

who receive free and reduced breakfast and lunch during the school year are out for the summer, they miss their primary source of nutrition. The food collected during the Legal Food Frenzy helps food banks around the state stock food for the summer so that they are ready to assist these children and their families. I am proud of the good work our bar does in support of these efforts, and look forward to seeing how the Legal Food Frenzy continues to grow in response to a very present need."

With 50 firms and legal organizations participating, the Alabama Legal Food Frenzy's third year was a tremendous success.

The winners of the Alabama Legal Food Frenzy are:

- **Attorney General's Cup—Isaak Law Firm** (3,896 pounds per employee), Montgomery Area Food Bank

Sole Proprietor (1-2 employees)

- Most pounds—**MFWalker Law Group, LLC** (2,625 pounds), Community Food Bank of Central Alabama
- Most pounds per employee: **Law Office of Desiree Celeste Alexander** (2,151 pounds per employee), Community Food Bank of Central Alabama

Small (3-20 employees)

- Most pounds—**Isaak Law Firm** (38,963 pounds), Montgomery Area Food Bank

- Most pounds per employee—**Isaak Law Firm** (3,896 pounds per employee), Montgomery Area Food Bank

Medium (21-40 employees)

- Most pounds—**Hill Hill Carter** (11,190 pounds), Montgomery Area Food Bank
- Most pounds/person—**Hill Hill Carter** (294 pounds per employee), Montgomery Area Food Bank

Large (40+ employees)

- Most pounds—**Carr Allison** (25,650 pounds), Community Food Bank of Central Alabama
- Most pounds/person—**Carr Allison** (185 pounds per employee), Community Food Bank of Central Alabama

Legal Organizations

- Most pounds—**Alabama Supreme Court Clerk's Office** (28,249 pounds), Montgomery Area Food Bank
- Most pounds/person—**Alabama Supreme Court Clerk's Office** (1,345 pounds per employee), Montgomery Area Food Bank

More than 1.8 million Alabamians need food assistance and one in four children in Alabama comes from families who experience food hardships. Alabama's eight regional food banks distributed more than 50 million pounds of food last year through their network of more than 1,500 partner agencies and pantries. <



> The Evolution of Lawyer Time Management

By Leigh King Forstman

Last year I was interviewed for a member spotlight as chair of the Women Lawyers Section of the Birmingham Bar Association. The final question posed was, "What is the one thing you wish you had known before you started practicing law?" I answered, "Balance the performance of your legal work with the cultivation of your legal network."

Lawyers are cerebral, committed to their clients and causes, and proven experts at multi-tasking their professional, personal and philanthropic roles. Such high levels of performance are riddled with internal and external challenges. Fortunately, lawyers by nature are also problem-solvers.

Twenty-eight years into my legal career, I find that managing my time remains a welcome, but constant, challenge. As a young lawyer, I defined my performance by sheer productivity. I was so focused on the practice of law that I calculated the precise time it took to cross Linn Park to the Jefferson County Courthouse so that I could accomplish as much as possible before leaving to appear in court. I managed time like the game show called *Name That Tune*.

For those unfamiliar, *Name That Tune* featured contestants bidding how few notes were necessary to identify a song.

This led to the popular parlance, "I can name that tune in two notes." Bidding continued until one contestant challenged the other to "Name That Tune." In the same way the contestants shaved the number of notes needed, I negotiated how much time I had to complete one more letter, make one more phone call or proof one more document before racing out the door. This worked very well for me until I recalibrated my approach.

Somewhere during my second decade I began to appreciate that the practice of law was much more than the mastery of the to-do list. A myopic attention to time and tasks yields results, but not necessarily clarity. My advice to our profession is to look up and see those around you, clients, judges, colleagues, clerks, opposing counsel, staff and mediators, though the lens of relationships. Our vision becomes clear when we focus on finding the balance between the performance of our legal work and the cultivation of our legal network. That way, when we look back at the end of our career, we will treasure what we see. <

Leigh King Forstman is the founding member of King Forstman Law LLC in Birmingham.

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> CLEs for Physiological and Psychological Wellbeing? Something to Consider

By Allen Mendenhall

Many attorneys suffer from depression, anxiety, stress and drug and alcohol abuse.

Technology has changed client expectations, pressuring lawyers to be available at all hours through constant, instant communication.

Lawyers may feel burned out or fatigued by the demands of their profession, namely “the extreme value placed on competition, self-sufficiency, and abnegating individual emotional needs; the isolated work conditions characteristic of

most law practices; and the effect of the adversarial system on all spheres of professional and personal life.” Lawyers experience mental-health problems at rates higher than those in other professions.

Speaking to the Alabama State Bar Leadership Forum in March, Dr. Steve Walton of the Goizueta Business School at Emory University discussed the effects of stress, anxiety and poor health on workplace productivity. High levels

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CLEs for Physiological and Psychological Wellbeing?

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of stress, he said, make people less effective on the job, affecting their ability to pay attention, plan ahead, handle large volumes of work, empathize and process information.

Dr. Walton explained that stress and anxiety can lead to serious, long-term health conditions: obesity, diabetes, cancer, high cholesterol, chronic pain and more. The wellness habits of lawyers, he concluded, directly affect the lives of their clients, who depend on lawyers for competent and professional representation.

Something must be done to reverse what appears to be a systemic health issue in the legal community. I propose broadening continuing legal education (CLE) offerings to include fitness and wellness programs. If regular exercise and healthy eating can make you a better lawyer, shouldn't lawyers be incentivizing such activity? Couldn't CLEs be used to nurture our physical and mental wellness, to meet our physiological and psychological needs?

Minnesota was the first state to require CLEs, and other states began instituting them during the 1980s, 1990s and 2000s. They were intended to address complex, ongoing changes in the legal system and to cultivate professionalism and competence among lawyers. Whether they have succeeded in these goals is a matter of debate.

Many lawyers probably view CLEs as just another stressful mandate, a time-consuming responsibility in a field in which time is precious and mechanistically measured. It could be that CLEs compound stress and further impair our ability to perform optimally as counselors and advisers to clients.

CLE hours compete with other hours that could be spent on fulfilling activity: dinner with family, religious services, Little League games, weddings, funerals, reunions and so forth. When our responsibilities are so numerous that they become unmanageable, the last thing we need is another task to manage.

Imagine if you could satisfy at least a portion of your MCLE requirements by enrolling in a six-month program with a personal trainer at a reputable gym, or by participating in a dietary program monitored by a reputable nutritionist. Evidence suggests that workplace health promotion programs work and even generate savings on healthcare. Why not try them in our profession?

If you can't take care of yourself, you'll have trouble taking care of others. If you can't meet your own needs, you're less likely to meet the needs of others. I'll leave it to experts to determine what a health and wellness CLE program would look like, but the need for one seems plain. <

Endnotes

1. See generally Patrick Krill, Ryan Johnson and Linda Albert. "The Prevalence of Substance Use and Other Mental Health Concerns among Attorneys." 10 J. ADDICTION MED. 46-52 (2016).
2. Jon M. Garon. "The Once and Future Profession: Autonomy, Intellectualism, and Obligation." 48 U. Tol. L. Rev. 253, 259 (2017).
3. Lee Norton, Jennifer Johnson and George Woods. "Burnout and Compassion Fatigue: What Lawyers Need to Know." 84 UMKC L. Rev. 987 (2016).
4. Pamela Bucy Pierson, Ashley Hamilton, Michael Pepper and Megan Root. "Stress Hardiness and Lawyers." 42 J. LEGAL PROF. 1, 11-12 (2017).
5. Cheri A. Harris. "MCLE: The Perils, Pitfalls, and Promise of Regulation." Val. U. L. Rev. 361-62 (2006).
6. See generally Joint Committee on Continuing Legal Education of the American Law Institute and the American Bar Association, Continuing Legal Education for Professional Competence and Responsibility: The Report on the Arden House Conference (1959).
7. See generally Deborah L. Rhode and Lucy Buford Ricca. "Revisiting MCLE: Is Compulsory Passive Learning Building Better Lawyers?" 22 No. 2. Prof. Law. 2 (2014).
8. Ron Z. Goetzl, Rachel Mosher Henke, Maryham Tabrizi et al. "Do Workplace Health Promotion (Wellness) Programs Work?" 56 J. OCCUPATIONAL AND ENVTL. MED. 927 (2014).
9. See generally Katherine Baicker, David Cutler and Zirui Song. "Workplace Wellness Programs Can Generate Savings." 29 HEALTH AFFAIRS 1 (2010).

Allen Mendenhall is associate dean at Faulkner University Thomas Goode Jones School of Law and executive director of the Blackstone & Burke Center for Law & Liberty.

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