

# Addendum

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## WILLIAM H. MILLS: THIS IS HOW IT'S DONE

Passing on a little bit of himself to a new admittee keeps the practice of law a profession

Intimidated by a new profession, barely two months after passing the bar exam, I cowered in my office at **Redden, Mills & Clark**, hoping no one would notice me. Then, **Bill Mills** appeared at my door with a file in his hand.

Tall, with broad shoulders and a quiet demeanor, he had a keen intellect and he'd practiced law as long as I had been alive. I wasn't sure what to expect.

"Here." He tossed the file on my desk. "Go to court. You can't win unless they fumble. Make them fumble."

It was a district court case, a bank suing to collect a credit card bill. It was a green lawyer's first try. You should have seen his smile when I won.

Not long after that, he showed up again.

"Are you a probate lawyer?"

"I'm not much of any kind of lawyer," I replied.

He tossed another file on my desk.

"Go to probate court. You're a probate lawyer."

My first federal trial was also my first jury trial. I had hoped no one would see my bungling effort, but he slipped in unannounced to watch. I was sure I was on the way out, but he tossed another file on my desk.

"Draft an answer."

I used one from another firm as a pattern. He scowled at me as he read my first effort.

"This kind of thing is why they made Rule 11 sanctions."

After my second try, we sat in my office and parsed my draft line by line.

In the years we practiced together, he taught me there

is no shortcut to hard, disciplined work, and no substitute for reasoned, concise draftsmanship backed by careful, exhaustive research. I learned from him that every complaint, motion, petition and demand has but two possible answers: Either the benign, "Life is not without risk," or the more direct, "Go to hell." The art of practicing law, he suggested, was knowing which answer to give and how to say it.

Transforming a law school graduate into a practicing attorney, one who understands the profession as an art, isn't a comfortable process. It can't be accomplished by mere instruction alone. Someone has to hand you a file and point you toward the courthouse; allow you to make a mistake, but not tragically; critique your work without judging you. It requires a personal investment, an investment of one life in another. Bill Mills didn't just give me a file, or litigation advice, or help with pleadings. He gave me himself.

—Joseph H. Hilley, *Fairhope*



William H. Mills, attorney, mentor, friend

The best news . . . is that LexisNexis now has pricing that allows you to buy one document, or one day, one week or one month of usage of any of the databases, including Shepards.

# A Great Place to Start Looking

LexisNexis wants to give you free access through **lexisONE®**

LexisNexis has developed a free site, [www.lexisone.com](http://www.lexisone.com), to help build brand recognition and loyalty. It's a great place to begin your legal research.

The free case law covers selected federal and state courts for the last five years, plus a complete collection of United States Supreme Court cases, and is easy to use. Search by citation, if you know it, or use keywords, and choose one or all state libraries, or one or all federal libraries. The search screen also contains fields to limit your search by parties, judges or counsel, if you have that information.

If your search produces any cases, they will be displayed by case name with links to the text of the opinions. These plain text cases do not contain the enhanced features of a LexisNexis search, however they will let you know if you're on the right track. Once you find just what you are looking for, you can pay by credit card to re-run your search at [www.lexis.com](http://www.lexis.com) if you would like to include older

cases, Shepardize®, or add enhanced features such as overviews, internal pagination and links to embedded case citations.

The best news, though, is that LexisNexis now has pricing that allows you to buy one document, or one day, one week or one month of usage of any of the databases, including Shepards. Documents begin at as little as \$1. Usage charges for Alabama case law and the code as of this writing are \$40 per day, \$65 per week or \$93 per month.  
—Laura A. Calloway, director, Law Office Management Assistance Program, Montgomery



## Pro Bono Award Nominations

The Alabama State Bar Committee on Volunteer Lawyer Programs is seeking nominations for the ASB Pro Bono Award. Nomination forms can be obtained by contacting:

Linda L. Lund, director, Volunteer Lawyers Program

Alabama State Bar

Post Office Box 671, Montgomery 36101

The ASB Pro Bono Award recognizes the outstanding pro bono efforts of attorneys, law firms and law students in the state. For complete award criteria, please visit the state bar's Web site at [www.alabar.org](http://www.alabar.org) or call the VLP office at (334) 269-1515, ext. 118. *Nominations must be postmarked by May 15th, 2004 and include a completed ASB Pro Bono Awards Program Nomination Form to be considered by the Committee.*

# Be Prepared

This Boy Scout motto can ensure that all your hard work doesn't go "up in smoke" in the event of a natural or man-made disaster

**F**red Gray surely has received some frightening calls in the middle of the night, but it is improbable that anything in his long and illustrious career prepared him for the one he received February 10th. This call would inform him that his office, and every artifact of a matchless legal career, was in flames on the Tuskegee town square.

The offices of **Gray, Langford, Sapp, McGowan, Gray & Nathanson** burned to the ground due to a fire which started in the adjoining *Tuskegee News* building. With the exception of a battered file cabinet containing financial records and a singed hard drive that's still being worked on, the office was a total loss. Firm members and office staff have rallied together to reconstruct the firms' files, but it will be a long time before the office is back to normal.

It may seem macabre to imagine your office consumed by flames and shrouded in smoke, but doing so could literally save your practice.

Fire prevention is rarely contemplated in the daily management of a busy law office, but one could devastate your practice and your livelihood, not to mention your clients' lives. The fire doesn't even have to start in your office suite; next door or one floor away, smoke and water damage could paralyze your practice and harm your clients' interests if papers and evidence are damaged or destroyed. The chance of a fire may seem remote, but the resulting consequences could be catastrophic.

Consider your precautions in case of a fire (or other disaster such as a tornado) and implement some simple loss prevention measures. Review your fire prevention and minimization systems. What do you have, including smoke detectors, fire alarms, sprinkler systems? Could these be upgraded at a reasonable cost?

Information stored on your computers should be duplicated (backed up) periodically onto tapes or disks, and stored off-site. These tapes/disks should not only encompass client information, but firm financial information. An undamaged back-up tape of your most recent billing cycle will keep your cash flowing and save innumerable hours of



Firefighters battle a blaze that destroyed the law offices of former ASB President Fred Gray, Sr.

lost time and aggravation. Periodically restore a sample file from the tape/disk to ensure your backup system is really working.

Important client documents and case evidence should also be protected from fire. Most attorneys don't have the space or resources to keep these in fireproof file cabinets, however, there are some things that may be worth the additional investment. A "smoking gun" piece of evidence should be kept in a fireproof safe or a bank safe deposit box, as should evidentiary photos or x-rays. Don't allow it, and the case, to go "up in smoke."

Keep an up-to-date list of your clients' names, addresses and phone numbers in a secure place out of your office; frequently update it. If there is a fire and you can't get into the office, you can let them know of the situation.

Finally, keep a list of your employees, with alternative contact information such as cell phone numbers and parents' or children's phone numbers, so that you can quickly contact your staff and implement your emergency recovery plan.

The ASB offers a free emergency preparedness and disaster recovery kit.

Download a copy from the bar's Web site at [www.alabar.org](http://www.alabar.org) (go to Members, then Law Office Management), or contact Sandra Clements with LOMAP at [sclements@alabar.org](mailto:sclements@alabar.org).

## ARBITRATION TRAINING

Sponsored by the Alabama Center for Dispute Resolution; May 17th–18th; ASB

Board Room; CLE: 12 hrs.; 9 a.m.–4 p.m., both days. Cost (\$350) includes textbook and lunch. Faculty: Arbitrators

Jack Clarke, esq. and Cary Singletary, esq. Training covers commencing the arbitration, the process prior to the hearing, the arbitration hearing, the award, and the post-award process.

Call (334) 269-0409 to register. Payment must be made by April 15th, with partial refunds after May 1st.



# The Federalist Society

What is it, and, possibly more importantly, what *isn't* it?

In conversations among those interested in legal philosophy, public policy and especially the appointment of judges to the federal bench, one group has been mentioned with greater and greater frequency: The Federalist Society. What is this group?

Founded in 1982 by students from the Yale and University of Chicago law schools, the Federalist Society for Law and Public Policy Studies (as it is formally known) is a group of conservatives and libertarians dedicated to reforming a legal environment, including America's law schools and its judiciary, that is in many ways dominated by liberal philosophy. The Society is an organization strongly dedicated "to the principles that the state exists to preserve freedom, that the separation of governmental powers is central to our Constitution, and that it is emphatically the province and duty of the judiciary to say what the law is, not what it should be."<sup>1</sup> It is currently one of the strongest voices "for the role of separation of powers; federalism; limited, constitutional government; and the rule of law in protecting individual freedom and traditional values."<sup>2</sup> These are not radical or novel principles, and they are not "anti-government"; rather, they are the foundation of the constitutional form of proper government set down by our Founders.

While the Federalist Society has been labeled as part of a grand "right-wing conspiracy," nothing could be further from the truth. Conspirators, by nature, rarely seek to defend their activities in the public arena (where mere sound-bites like "I'm for education" can be unpacked and examined). The Society, on the other hand, has always been open about its principles and has not been afraid to discuss and defend them through healthy discussion and debate, as noted by

former United States Attorney General Richard Thornburgh, who stated:

"[T]he Federalist Society has developed a reputation for being a lively and open forum for serious discussion about important legal topics. Liberals and conservatives are regularly brought together to debate and exchange views. Not only has the group hosted events with Chief Justice William Rehnquist and former Judge Robert Bork, but other speakers have included Supreme Court Justice Ruth Bader Ginsburg, American Civil Liberties Union President Nadine Strossen, Congressman Barney Frank and Jamin Raskin of the Rainbow Coalition. I wish every legal group welcomed such a broad array of speakers."

The Federalist Society is not a political organization; it does no lobbying nor does it sponsor or endorse candidates. While often criticized for having an "undue" influence in the selection of federal judges, this criticism is seriously misplaced. There is no doubt that many nominees of Presidents Reagan, Bush I and Bush II have been Federalist Society members, but it should come as little surprise that presidents who believe in principles of limited government, traditional values, judicial restraint and the rule of law—and who believe that liberal activist judges who impose their own personal philosophies over the text of the law are harmful to our system of government—should select like-minded judges.

To join this lively discussion, please consider joining. Alabama currently has two very active lawyers' chapters: one in Birmingham (contact John Pickering at 205-226-8752), and one in Montgomery (contact Al Agricola at 334-396-8882).  
—Marc James Ayers, *staff attorney, Alabama Supreme Court*

## End notes

1. [www.fed-soc.org/ourbackground.htm](http://www.fed-soc.org/ourbackground.htm)
2. *Id.*

# Nominations Being Accepted for William D. "Bill" Scruggs Service to the Bar Award

Recognizing members for outstanding and long-term service to the ASB

The Alabama State Bar will receive nominations for the William D. "Bill" Scruggs, Jr. Service to the Bar Award through April 25th, 2004. Nominations should be prepared on the nomination form available on the bar's Web site, [www.alabar.org](http://www.alabar.org), and mailed to:

Keith B. Norman, executive director  
Alabama State Bar  
P. O. Box 671

Montgomery, Alabama 36101

The Bill Scruggs Service to the Bar Award was established in 2002 to honor the memory of the accomplishments on behalf of the bar of former state bar president Bill Scruggs. The award is not necessarily an annual award. It must be presented in recognition of outstanding and long-term service by living members of the bar of this state



to the Alabama State Bar as an organization. The award's first recipient was **E.T. Brown** of Birmingham.

Nominations are considered by a five-member committee which makes a recommendation to the Board of Bar Commissioners with respect to a nominee or whether the award should be presented in any given year.

## U.S. Supreme Court Admissions Ceremony

The North Alabama Chapter of the Federal Bar Association is hosting a United States Supreme Court Admissions Ceremony Wednesday, June 16th. The ceremony begins at 11:30, and will be held at the Huntsville Marriott, 5 Tranquility Base. Applications and fees (which covers lunch and a certificate) must be received on or before April 21st. Do not send your application to the U.S. Supreme Court. For more information or reservations, contact Laura Owens at (256) 842-0544 or [laura.owens@us.army.mil](mailto:laura.owens@us.army.mil).

## Legal Services Corporation (LSC) Notice of Availability of Competitive Grant Funds for Calendar Year 2005

The LSC announces the availability of competitive grant funds to provide civil legal services to eligible clients during calendar year 2005. In accordance with LSC's multiyear funding policy, grants are available for only specified service areas. A listing of those areas for each state and the estimated grant amounts are included in Appendix A of the Request for Proposals (RFP). The RFP, filing dates, submission requirements and other pertinent information will be available at [www.ain.lsc.gov](http://www.ain.lsc.gov) April 23rd. Applicants must file a Notice of Intent to Compete (NIC) to participate in the competitive grants process. The NIC is available from the RFP. E-mail competition inquiries to [competition@lsc.gov](mailto:competition@lsc.gov).

# Trying to Be a Super Hero Only Makes Things Harder

Learn to bill for your services, or prepare to starve—what isn't taught in law school is just as vital as the courses that are



I graduated from law school, passed the bar exam, and believed I was ready, prepared to be the best lawyer since Atticus Finch.

I was ready.

I knew what I was doing. (Well, I didn't, but I was prepared to learn, and accept my mistakes, knowing I tried as hard as I could.)

## **I WAS READY.**

When it came time to decide about my practice, how could I possibly save the world if I had to answer to someone else? I'd go it on my own. Learning quickly, you understand, but on my own, with no one to prevent me from doing it the way I thought best. And, even if I had to ask someone how to file a pleading, I knew that I knew best!

I believe even those who have practiced the longest can admit to thoughts like these—confidence beyond measure and assurance that whatever knowledge we lacked, we would gain and actually save the world.

There was that little matter of money, though—how to charge for our services, and how to collect it.

The finest law schools in the world—including those in Alabama—do not teach the most basic tenets required when attorneys leave the nest of law school. They do not teach how to charge for one's services, nor how to collect.

The cockiest of new attorneys is not seasoned at making that client want to write a check. The most self-assured, the student with the highest grades, the leader of the law

review is not prepared to insist on a sizeable retainer at the beginning of a case. And, the most street-savvy student from the night law schools isn't prepared to estimate the amount of time it will take to go from initial consult to final order in that very serious matter for which they are being retained.

You estimate that matter will require ten hours of time; it takes 20. You have a set amount for an uncontested divorce, and it becomes the contested divorce from hell that requires more time than your worst criminal case ever took, and the client is not happy.

Did I miss that class? And billing . . . agreeing to accept monthly payments, requiring a retainer for the impending work—which professor was good enough to explain that?

The truth is that unless the attorney has a mentor willing to take the time to explain many things, it can take years for a lawyer to realize that being nice does not pay the rent. And, even though it is honorable to do some work for nothing, it will not make the car payment! (I even had to find a friend to help with the billing; I just couldn't do it all and remember to bill, too.)

I'm thankful for law school, the knowledge, the empowerment of our fine profession. Somewhere along the way, though, more information must be provided to new attorneys determined to "make it on their own." If not, they surely will starve!

*—By one who almost did, but prefers that you not know it*

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# Life After the Bench

The former Alabama Supreme Court Justice, tells attorneys to “strive for satisfaction with what you do most of the time”



Retired Alabama Supreme Court Justice Hugh Maddox (left) and former Justice Ralph Cook

In February 2001, Ralph Delano Cook, the former Miles Law School Dean, began his association with Hare, Wynn, Newell & Newton in Birmingham, the oldest existing plaintiff’s law firm in Alabama. Cook says, “I thought about doing a number of things including the practice of law. After deciding that I wanted to practice law, I felt like I wanted to handle cases from the plaintiff’s perspective.” He takes a wide variety of cases, such as securities fraud, personal injury, property damage and medical malpractice.

Cook advises lawyers to, “Strive for satisfaction with what you do most of the time. As with anything in life, there are going to be challenges.” He implores lawyers to understand that people coming to them need help. “This is a great profession that we are privileged to be a part of,” Cook says, “and that privilege should remain uppermost in our minds and serve as a compass as we engage in our endeavors, professional or otherwise.”

The Bessemer native and Howard University graduate plans to continue working as long as he enjoys it. The judge says, “I don’t plan to work as long as my father who worked until he was 88 years old. I think I’ll know when to stop.”

Judge Cook says, “I enjoyed every minute of being a judge and left fulfilled. I always knew at some time my judicial career was going to come to an end. I looked at each time I was elected as a six-year contract. Like every contract, there is a beginning and ending date, so I never felt like the position belonged to me. My former elected positions, like all public offices, belonged to the people of the State of Alabama.”

In addition to reading law opinions, arguing cases and serving in community, civic and church organizations, Cook takes time for hobbies such as reading, fishing and motorcycle riding. He resides in Birmingham with his wife, Charlsie Davis. The couple has three children: Ralph, Jr. and Kimberly, law school graduates; and Nakela, a physician.

—Geraldine Rose Daniels, Montgomery

## Appellate Practice Section

The Section recently elected new officers. They are Deborah Alley Smith, chair; Ivan Cooper, vice-chair; Scott Clark, secretary; and Will Webster, treasurer. To join, contact Will at (334) 264-9472, or Deborah at (205) 795-6588.

# Picture Yourself Here

It's the 125<sup>th</sup> anniversary  
of the State Bar!

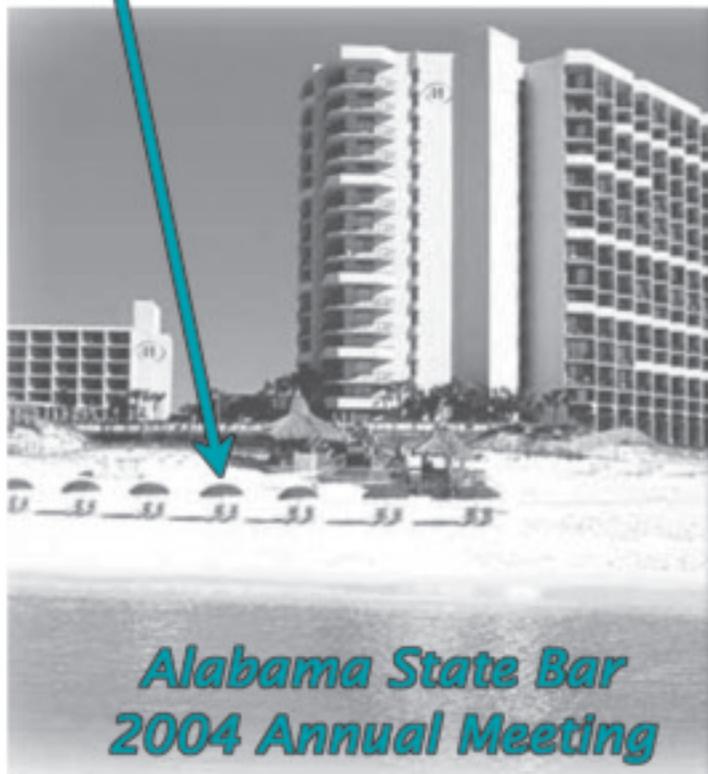
***Come join us to celebrate!***

***Here's why...***

- ✓ It's at the beach!
- ✓ Nationally known speakers including: Kenneth Starr, Stephen Salzborg and Chief Judge Haldane Robert Mayer;
- ✓ CLE opportunities designed with you in mind;
- ✓ I'm not kidding—

***IT'S AT THE BEACH!***

There is something for everyone! For more information and to register online, visit [www.alabar.org](http://www.alabar.org).



***July 22-24 - Sandestin Hilton***

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