

April 2006

Addendum

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Am I Still An Attorney?

You can lose more than your home when disaster strikes

On August 1, 2005 I was an attorney. I have hesitations if I am still an attorney. "Being an attorney" is a mindset. It is brutally hammered into an attorney's brain from the first day of law school. Now I ask, "When is an attorney not an attorney?" Can this mindset be escaped?

In early August 2005, I began the process of moving my home and office back to Coden, Alabama. Coden is a small fishing village on Portersville Bay in south Mobile County. The town is quaint, picturesque and a little slow moving. Although the need for income-generating activities has caused me to wander to larger urban centers, I have always considered myself to be a citizen of the town of Coden. My fate is merged with that of the other citizens of the town.

On the morning of August 28, 2005, I fled like a traitor from my home and my community. I awoke early that day and witnessed a large wall of water just south of the Isle Aux Herbes. The waters of Portersville Bay literally seemed to be standing. The wind had kicked up and shingles on my roof were beginning to fly. The road to my home was fast becoming impassible. The forces of Hurricane Katrina were at my front door.

What I saw was so frightening that I have a difficult time even relating the details. Like so many others along the northern Gulf Coast, I quickly grabbed a few items, jumped into a pickup truck and drove north as fast as I could—kids,



Pictured above are the remains of the author's home. Note pickup truck at the right which served as temporary housing.

cats, dogs and all.

On my return, there was nothing. No home and no community. It looked like a bomb had exploded in my beloved town of Coden. It was the next week, while standing in a FEMA line in the city of Bayou La Batre, that I questioned whether I was still an attorney.

Someone asked for my card. On it the words "Attorney at Law" appear under my name. The name on the card was correct but much of the rest had been swept out to sea with that great wall of water that I had witnessed.

Social change is an inherent effect of a disaster the magnitude of Hurricane Katrina. Basic needs become priorities after such a catastrophe. The practice of law is a higher function of social order and community structure. At some time in the future, my legal skills may become an asset needed by my community. At the present, I opine that my skills as a crab-catcher may be more in demand. Maybe I will become a commercial crab-catcher.

So, when asked for that card, while lining out the details of my former identity, do I also mark out "Attorney at Law" and write in "Crabber?" Am I a crabber now and not an attorney? It's all a mindset.

—Barbara Holley Reid, Coden



TECHNotes

Modern pirates steal software, not gold and jewels

Unless you're an intellectual property attorney, you could be breaking copyright law and not even know it. Anytime you purchase or upgrade your computer system there are software licenses that are bundled with the system. Most come loaded with programs such as Windows XP, etc. And, if you buy a software program off the shelf, such as WordPerfect, virus scan, PDF file generator or whatever, it comes in a pack with a seal. The license agreement associated with that particular program is written on the outside of the box/wrapper that contains the CD. There is always a warning that says, "WARNING! By opening this package, I agree that I have read and will adhere to the terms of the license agreement listed herein for this program." This license agreement always says that you are not buying the software included on the CD, but that you are purchasing the right to use the software on one, and only one, computer.

If you want to use it on more than one computer, such as, if you have a network of computers, then you have to purchase a *site license* which is more expensive than the license to use it on just one CPU. If you have a home computer, and you or your secretary are using WordPerfect on your office system, sometimes it would be convenient to be able to take home a document/file on a CD and finish the work there. The temptation is to take the WordPerfect program CD and load it on your home computer. This is a direct violation of federal copyright law, and I bet that everyone reading this has done this at some point. And, if you have,

you are breaking the law.

Most people don't even think about this because they feel the program is theirs to use as they see fit. Even those who realize this might be illegal do it anyway because they think the chance of getting caught is infinitesimal. *Think again.*

Another common problem occurs that generally goes unnoticed. When you decide to get rid of your old computer for whatever reason—old, obsolete, too slow—many times you will sell it, donate it or give it away. Then, you load your Norton anti-virus, WordPerfect, etc. onto your new computer or laptop. Again, you have violated copyright law by propagating two copies of that program on two different computers. If you are going to reuse those programs on your new system, you *must delete* them from your old computer before you give it to someone else.

Microsoft and the Business Software Alliance (BSA) (sometimes referred to as the "Software Police") are aggressively pursuing all software pirates. *eWEEK* magazine, in its June 30, 2005 issue, reports, "Justice Department Makes Arrests in Piracy Crackdown in CA, CO and CT." These pirates are facing two to five years in prison and \$250,000 in fines, in addition to any civil liability damages that they could be required to pay. The BSA has a Web site and hotline one can use to report cases of software piracy and receive up to a \$50,000 reward. Bonnie McNaughton, lead attorney for Microsoft piracy policy, said they will trade a good Windows XP CD and license to anyone in exchange for any counterfeit CD and related information, with hopes of tracking down the pirates. So, if your law office is guilty of or lax in the copying of such software then, you, my friend, are a suspect. And, with the threat of a reward to whistle-blowers shadowing your practice, if you fire one of your secretaries for being habitually late and she turns you in for a reward, it probably will make the newspaper. "Local Attorney Arrested for Software Piracy"—how's that for some great free legal advertising? So, let's be overly conscientious about our software and not wind up in such a terrible plight.

—Phillip G. Estes, Anniston

The Professionalism Award

Recognition for those who promote excellence in the legal profession



The Professionalism Award was created jointly by the **Chief Justice's Commission on Professionalism** and the **Alabama State Bar**. It recognizes a judge or a lawyer for his or her outstanding contribution in advancing professionalism of the legal profession in Alabama. The award will be presented at the 2006 Annual Meeting, July 12-15 at Sandestin.

The following criteria will be used to judge the nominees:

- Outstanding contribution to a program or activity which advances or promotes excellence, professionalism and public responsibility within the legal profession;
- Outstanding writings or speeches which advance or promote the same;
- Contribution of time and resources to public service, education, charitable or pro bono activities;
- Subordinating personal interests to professional concerns;
- Demonstrating respect for the law and integrity of the legal system;
- Conduct which has enhanced the image of the legal

profession, either through practice or programs and activities that educate the public about the law or the legal system; and

- Demonstrations of general characteristics such as integrity, timeliness and promptness, credibility, and zealous advocacy while maintaining civility and mentoring of others.

Nominations should include a detailed biographical profile of the nominee and a narrative outline detailing how the nominee has fulfilled the award criteria and advanced professionalism of the legal profession in Alabama. Nominations may be supported with letters of endorsement. Nominations will be received through May 1, 2006. They should be prepared and mailed to **Lynne R. Thrower, Administrative Office of Courts, 300 Dexter Avenue, Montgomery 36104.**

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Margaret L. Murphy, managing editor October 18, 2005

I certify that all information furnished on this form is true and correct. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).

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8. Failure to file or publish a statement of ownership may lead to suspension of Periodicals authorization.

PS Form 3526, October 1999 (Reverse)

Committees, Task Forces Give Time and Talents

Quality of Life Committee

The committee is focusing on student loan debt and vacation time for attorneys. Due to the increasingly large amount of student loan debt, the student loan subcommittee is investigating educational and financial alternatives. The personal time subcommittee is working on a unified system of vacation/personal time.

Task Force on Diversity in the Profession

Special emphasis was put on the Youth Judicial Program sponsored by the Montgomery YMCA. In November, over 500 high school students participated in statewide mock trials, with 52 teams participating. Former YMCA "Youth In Government" participants who are now ASB members should contact margaret.murphy@alabar.org.

Lawyers Assistance Committee

The committee assists the Alabama Lawyers Assistance Program, helping lawyers with drug and alcohol addiction, mental health and related problems. The ABA's Commission

on Lawyer Assistance Programs will meet with ASB officials and committee members to assess Alabama's program. The committee is working to secure funding for the Alabama Lawyers Assistance Foundation to lend funds to lawyers to pay for their treatment. Also, prospects are being interviewed for a professional fundraising position.

Task Force to Evaluate MCLE Program

The task force is reviewing the program and making suggestions concerning quality control, use of technology and enforcement of rules. Mandatory CLE was adopted by the Alabama Supreme Court in 1982. The Alabama program has not been evaluated on a comprehensive basis since then and the task force is in the beginning phase of that project.

Judicial Liaison Committee

The committee is considering creating a way to offer private financial support to new judges to attend the National Judicial College, and to revise current ASB procedures for responding to unfair criticism of judges.



JULY 12-15, 2006
ALABAMA STATE BAR ANNUAL MEETING
HILTON SANDESTIN BEACH GOLF RESORT & SPA

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REGISTER ONLINE NOW! For more information,
or to download registration forms, visit www.alabar.org.

The 154th LSO— *Best Kept Secret in the Army*

All reserve soldiers know that on any given Saturday, when they can show up for drill, they can be subject to random drug testing. Very few, however, know what happens if they test positive for illegal drugs.

Fortunately for these soldiers, a group of Army Reservists makes it their job to know what happens in these unfortunate situations. These men and women are the JAG officers who make up the 154th Legal Support Organization (LSO). The 154th LSO is a Reserve Trial Defense Service unit that has forged a partnership with the United States Army Trial Defense Service (USATDS) to ensure that our fighting soldiers are provided independent professional defense counsel services of the highest possible quality on a geographic basis. The 154th LSO provides these services to all U.S. Army Reservists who are east of the Mississippi River.

When Army Reservists are informed that they have failed a drug test, or gotten in some other type of military-related trouble, they are given a name and number of a trial defense counselor to assist them in protecting their rights. I had the pleasure of joining the 154th LSO a few years ago and I have had a great experience “defending those who defend America.” I have been exposed to new cities, some very interesting people and very challenging legal issues.

My clients have faced anything from non-judicial punishments (Article 15s) to administrative separations to court martials (I have only been involved in court martials during annual training). When a client is given my name and number, they call me and I am typically able to advise them of their rights by phone, fax or e-mail. The flexibility to provide services when my schedule permits is much more efficient for me, the soldier and the Army than meeting the soldier at a designated location during a scheduled drill weekend. When there is a hearing or trial, I travel to that location and represent the soldier at their command.

I truly believe that the flexibility and the personal reward of defending American soldiers make the 154th LSO the best-kept secret in the Army. If you would like to join this unit, e-mail me at mfritzjd@hotmail.com or visit www.jagcnet.army.mi for more information.

Another of the Army's best-kept secrets is Montgomery's **LTC Mark Davis** who retired from the Army Reserves in 2005. LTC Davis recently ended his Army career as the 154th's Southeast Regional Defense Counsel. His calm and consistent professionalism will be missed.

—Michael A. Fritz, Montgomery

2006 ARBITRATION TRAINING

*Sponsored by the Alabama Center for
Dispute Resolution*

Date: May 15 and 16, 2006

Place: Alabama State Bar Board Room

Time: 9 a.m.—4 p.m. (both days)

CLE: 12 hours, including one hour of ethics

Cost: \$360, includes materials and lunch

**Faculty members are experienced
arbitrators Jack Clarke of Montgomery
and Cary Singletary of Tampa**

Training will cover:

The Law of Arbitration; Arbitrator's Role and Authority; Arbitrator's Pre-Hearing Functions and Duties; Conducting the Hearing; The Award; Post-Award Considerations

**For registration information, call
(334) 269-0409 or (334) 269-1515,
extension 111.**



How to Better Manage My Time

(This is the second part of a three-part series. The previous issue concentrated on "How to Be More Successful in My Legal Career." The author is one of five lawyers in Alabama in private practice who were recently appointed to the Chief Justice's Commission on Professionalism.)

In searching for answers to the question posed above, I recently sought the counsel of ten of Alabama's best lawyers, asking them three questions:

- Describe one activity that has helped you be more successful in your legal career.
- Describe one activity that helps you manage time better.
- Describe one activity that helps you be more content in your legal career.

Each lawyer answered each question. The lawyers surveyed were **Karon Bowdre** (former law professor, federal district judge, Birmingham); **Ken Simon** (former circuit judge, civil practitioner, Birmingham); **Jere Beasley** (civil practitioner, Montgomery); **Robert Cunningham** (civil practitioner, Mobile); **Gorman Houston** (former Alabama Supreme Court justice, appellate practitioner, Birmingham); **Ken Randall** (former civil practitioner, University of Alabama School of Law dean, Tuscaloosa); **Bobby Segall** (civil practitioner, ASB president, Montgomery); **Sonja Bivens** (former civil practitioner, federal magistrate judge, Mobile); **Patrick Tuten** (criminal lawyer, Huntsville); and **Susan Conlon** (family practice lawyer, Huntsville).

The following are the answers I received:

1. Use "to-do" lists.

How Can I Be More Successful, Efficient And Content in My Legal Career, Part 2

2. Manage the phone and do not let it manage you.
3. Have a good staff to help move matters along.
4. Delegate, delegate, delegate.
5. Retain the right secretary.
6. Raise [or spend time with] kids—they help keep your priorities straight, [know] what's important. They keep you laughing at yourself. You work efficiently so you can be with them. Even their struggles help you know what's important.
7. I am a big believer in to-do lists and knowing that, as my dearly departed father used to say, "It doesn't matter how well you can do something if you shouldn't be doing it in the first place." In other words, I delegate those tasks that should be handled by others. I concentrate on the practice of law. I also try to keep one afternoon each week free of appointments so that I can tie up as many loose ends as possible.
8. Work on most matters with another lawyer in the firm. Often, when I have a complex matter of law to argue to a court, I ask another lawyer in the firm to research and write about the issue and then discuss with me every argument both for and against our position.
9. I generally try to spend one and a half to two hours of quiet time on the weekend planning for my upcoming week. I typically draft a to-do list so that when I reach the office on Monday, I am focused and organized rather than jumping from project to project, without accomplishing anything.
10. I have always been highly organized and have had no problem managing time at any stage of my career. I inherited that trait from my parents.

Next issue: "How to Be More Content in My Legal Career"

—Samuel N. Crosby, Daphne

Noteworthy

Legal Services Corporation Notice of Availability of Competitive Grant Funds

The Legal Services Corporation (LSC) announces the availability of competitive grant funds to provide civil legal services to eligible clients during calendar year 2007. A Request for Proposals (RFP) and other information pertaining to the LSC grants competition will be available from www.ain.lsc.gov beginning April 17, 2006. In accordance with LSC's multiyear funding policy, grants are available for only specified service areas. The listing of service areas for each state and the estimated grant amounts for each service area will be included in Appendix-A of the RFP. Applicants must file a Notice of Intent to Compete (NIC) to participate in the competitive grants process. The NIC will be available from the RFP. Refer to www.ain.lsc.gov for filing dates and submission requirements. E-mail inquiries to competitive@lsc.gov.

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 United States Court of Appeals for the Eleventh Circuit. A copy of the proposed amendments may be obtained on and after April 3, 2006 from the Court's Web site 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 May 4, 2006.

CORRECTION: Minority Pre-Law Conference

The Young Lawyers' Section column in the March 2006 *Alabama Lawyer* reported that the Birmingham conference would be held at Cumberland School of Law. Please note that this conference will take place at **Birmingham-Southern College**. The conference date is still April 10.

Lawyers Service Day

Join fellow Alabama lawyers for a "Lawyers Service Day" Saturday, June 10, and live up to our state bar's motto,

"Lawyers Render Service." Teams in Huntsville, Birmingham, Montgomery and Mobile will serve at homeless and children's shelters, soup kitchens, schools, animal shelters, and other sites. *No special skills are required.* Contact one of the following leaders in your metro area to sign up:

Huntsville: Page Banks, (256) 536-9008,
page@sconlon.com

Birmingham: Jon Macklem, (205) 795-6588, jwmacklem@csattorneys.com; Jodie Smith, (205) 254-1109,
jodie.smith@maynardcooper.com

Montgomery: Roman Shaul, (334) 269-2343,
roman.shaul@beasleyallen.com

Mobile: Norman Stockman, (251) 694-6352,
nstockman@handarendall.com

Lawyers Service Day is sponsored and coordinated by the Young Lawyers' Section of the Alabama State Bar, the Birmingham Bar Association's Public Service Committee and Hands-On Birmingham and its partner agencies.

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Backspace

Taking the time to learn shortcuts can free up more time for you

Keyboard shortcuts vastly improve productivity. They are easy to use—just hold down the first one or two keys and tap the last key in the order, releasing all of them. Take a look at a few Windows-based shortcuts that help increase working pace and decrease workload:

Operating System Shortcuts

Alt+Tab—Enables you to switch between applications.

Ctrl+Alt+Del—Offers several Windows options.

Shift+PrintScrn—Sends a screenshot to the clipboard.

(Paste it in an e-mail, doc or image editor.)

Document, Web and Form Shortcuts

Ctrl+S—Saves an open document.

Ctrl+A—Selects all (text, files or folders).

Ctrl+X—Cut

Ctrl+C—Copy

Ctrl+V—Paste

Ctrl+B—Create bold text.

Ctrl+I—Italicize text.

Ctrl+U—Underline text.

Shift+Tab—Returns to a previous field in a form. Opposite of Tab.

Shift+↔ OR Shift+⇄—Selects text, files, folders in direction you choose.

Shift+Left Mouse Click—Selects range determined by mouse click.

Ctrl+↔ or Ctrl+⇄—Moves through documents word by word.

Ctrl+Shift+⇄ or ↔—Selects text word by word.

Shift+End—Selects text to the end of a row or link.

LeftCtrl+LeftShift+CapsLock+Tab+RightCtrl+RightShift+

$E=mc^2$ —Your computer will explode. Use sparingly.

—David A. Russell, Washington, DC

Spanish Legal Hotline Now Available!

The ASB's Spanish Outreach Project and Legal Services Alabama have launched a toll-free legal hotline for Spanish-speaking persons in Alabama. The Spanish Legal Hotline number is (888) 835-3505 and calls are answered and routed by Spanish-speaking staff at LSA call centers statewide from 8 a.m. to 8 p.m. M-F and 9 a.m. to noon on Saturdays. Based on legal needs and guidelines, callers will be referred to Legal Services Alabama, the ASB's Volunteer Lawyers Program or the Lawyer Referral Service.

Other partners are the Auburn Cooperative Extension System, Hispanic Interest Coalition of Alabama, Alabama Latin American Association, Cumberland School of Law, and KPI Latino. Check www.alabar.org or www.alsp.org for more information.

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