

Addendum

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Montgomery Supervised Visitation Center for Children

During difficult periods of transition, help is available for Montgomery's children, parents and courts

Case Number One

"Emily" (all names are changed) was four years old when her mother filed for divorce, alleging that the husband had sexually abused the little girl. A restraining order was immediately placed for the safety of the child, preventing the father from being alone with her. The husband was allowed to visit only under supervision. The mother alleged that the husband's family was an inappropriate choice to supervise the visitation because they would allow the husband to either talk badly about the mother or allow him to harm the child, or even abscond with her because his family did not believe he was capable of the alleged sexual abuse. Supervision by the mother was not an option since it was she who had brought the allegations and she would be placed in a position to be able to make more allegations regarding violations during visitation. Because the charges were so serious, an alternative to family supervision was required. The court appointed Laurie Mattson-Shoemaker, LPC, as visitation supervisor through the **Montgomery Supervised Visitation Center for Children**.

Case Number Two

The "Howard" children ranged in age from five to 14. Their mother and father had been divorced approximately a year, with the mother having physical custody and the father having standard visitation. The children began telling the father about odd people staying in their mother's house, including the mother's boyfriend and his teenaged daughter, as well as a baby who had been living with them but had left. There were also allegations of mental and physical cruelty and child endangerment. The father filed for and received an emergency transfer of custody. The mother, who had had some past mental and emotional issues, was granted supervised visitation with the children. Again, there was no satisfactory friend or family resource available due to the nature of the allegations. The court chose to use the Visitation Center as a way to provide the mother with access to the children in a structured environment.

I was involved in both of these cases as the appointed guardian ad litem. In cases such as these, supervised visita-

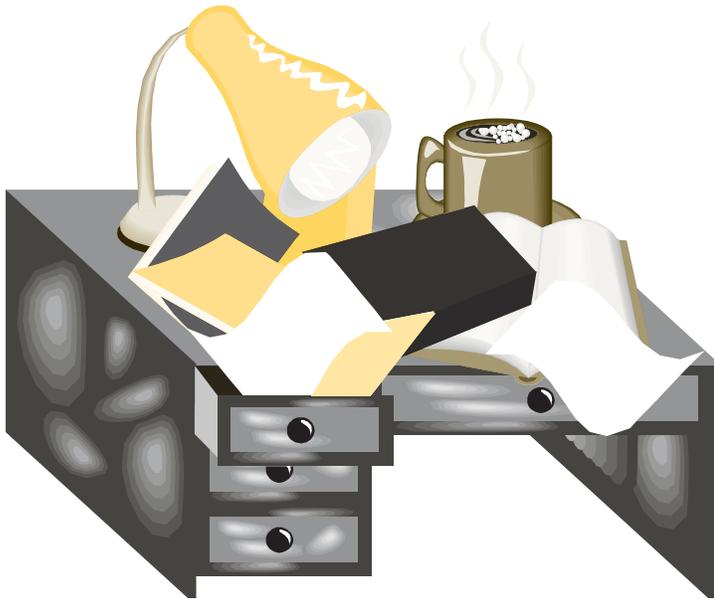
tion by an objective party may be the only option for the court. Often, when there are allegations involving harmful behavior on the part of a parent, ranging from telling a child what a bad person "mommy" or "daddy" is, to emotional, sexual or physical abuse, the court cannot risk the child's welfare by trusting the parent or party perpetrating the behavior to stop, especially when the alleged perpetrator typically denies the allegation. As in all cases involving children, when such allegations are made, I have repeatedly seen the court place the safety and welfare of the children as paramount to all other issues. Thus, the parent who is alleged to be the perpetrator can be severely restricted in contact through supervised visitation, and rightfully so, until the allegations can be proven to be true or false.

Using an objective party, rather than a family member or friend, can be crucial to benefiting the truthful party, while also protecting the child in a way a non-objective party cannot. For instance, in the case of "Emily," the question was, if placed in a position of protecting the child or incriminating her son, seeing him lose custody and possibly face criminal charges, who would the paternal grandmother choose to protect? In some cases the question is much more subtle and a trained observer may be required to prevent damage to the child. Many parents believe they are justified in making comments such as, "We could afford to eat out if your father would pay more child support," or "When you are at your mommy's house, your puppy and I miss you so much we cry every night." A relative might not see a problem with comments like these, and even if the

comments do jar the family member, will they feel capable of stepping in to stop the behavior or end the visitation due to non-compliance with court orders? Sadly, placing a family member or friend in the position of "police officer" often is damaging to all of the relationships, especially if the supervisor has



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Good Case Management Is More than You Think

If you're having trouble keeping up with important details, you're not alone and help is available!

When I began my practice, I had never heard of the term “case management.” I was much more concerned with case acquisition. As my practice grew, however, filing, billing and keeping up with the ever-changing Rolodex and calendar (both calendars, if anyone from my malpractice carrier is reading) were taking up a large part of my evenings.

After a couple of years, I hired an assistant and concentrated on my cases. Then, the inevitable happened—my assistant was out sick for a week and I had to fend for myself. I discovered that things weren't going as well as they seemed. The filing, billing and correspondence were not current, and I discovered correspondence sent to the wrong address and pleadings with the wrong case numbers.

After a panic attack, I went to work to fix the problem. I spent that weekend pulling all of my files, verifying deadlines and court dates, and catching up on filing and responding to pleadings and correspondence.

I vowed never to let myself get in that situation again. I read as much as I could about managing my practice and my cases (the American Bar Association has some great resources). I read an ad in the *ABA Journal* for a case management program, and I got on the Web and watched a demonstration. I found the program that was the best fit for me, LexisNexis® Time Matters®.

Time Matters® combines my Rolodex, calendar, PDA, phone messages, and case files into one program. If a client moves, I simply change the address on his or her contact, and that change is reflected in his or her matter and everywhere else his or her information is contained. Everyone in the firm receives the new information, too.

When a client calls and I am not available, my assistant puts the information in Time Matters® and when I return the call, the record of that call, along with my notes, is automatically filed in the matter, and Time Matters® prompts me to record my time, which is also filed in the matter.

Perhaps the best feature is the document management.

All documents that are generated in my office are saved, and I no longer have to hunt for the file. I simply go to the client's file, click on the document tab and select the document needed. This feature also works on documents that I receive. I run the document through the scanner, it saves it in a PDF format and I file it in the appropriate client matter. I still maintain my paper files because they are easier to refer to in short court appearances.

The icing on the cake is that Time Matters® prompts me to record my time for every action that I take. I am able to accurately track my time and—equally important—to bill for that time. Time Matters® paid for itself and the training I received within the first six months.

—Herbert T. Wright, Jr., Little Rock

"Nice Letters" File Good Advice for Anyone

One of the best pieces of advice I've gotten during my 27 years in practice was to open a “nice letters” file. Unfortunately, I didn't receive this recommendation until my fifth year in practice, so before that, I discarded any nice letters that clients sent me. For the past 22 years, though, I've opened a nice letters file each year for letters of appreciation from clients and others.

Reading through these letters periodically has been a great source of encouragement to me. This is particularly helpful after a frustrating period of bad results in cases, difficult clients and other unpleasant realities of a law practice.

Keeping a nice letters file should be beneficial to any law practice.

—Samuel N. Crosby, Daphne

The CLE Express Is Heading Your Way

All you wanted to know about your CLE credits, but were afraid to ask



What is the **CLE Express**? The CLE Express was developed to provide Alabama State Bar members with complete, up-to-date Continuing Legal Education information.

How do I use it? Go to www.alabar.org and sign up for the "Blue Line." Then, we will send you an e-mail every time a seminar that meets your needs is approved for CLE credit. You chose the criteria. For example, if you want to be notified when a seminar on adoption in Birmingham (or any city in the United States) is approved, we will send you a notification by e-mail the same day the seminar is approved.

Sign up for the "Red Line" and we will send you an e-mail when your CLE transcript is updated. Immediately

upon notification by a CLE sponsor of your attendance at an approved seminar, we will notify you by e-mail that your transcript has been updated. The e-mail will contain a copy of your current CLE transcript. Sign up and no more waiting on your year-end Annual Report of Compliance to find out how many hours you have earned for the year!

Why use it? The CLE Department is providing this service to make members' lives easier—easier to find out about upcoming seminars and easier to find out how many CLE credits have been earned.

Have questions? Contact Kim Ward, Carol Thornton or Christina Brewer at cle@alabar.org.

Montgomery Supervised Visitation Center for Children *Continued from page 1*

to enforce a court order to the friend or family member's detriment.

Moreover, a service such as the Visitation Center can provide video and audio of visitations which may be helpful to the court. Any harmful behaviors exhibited during visitations can be corrected by the trained supervisors and parenting skills can be improved as a result. There is little room for either side to argue that visitations are biased or that the court's orders are not followed with regard to visitation. Importantly, there is the authority to stop any visitation in which a party refuses to comply with the order of the court. If allegations have been made regarding behavior, the alleged perpetrator can visit without the concern of new allegations. In "Emily's" case, the mother attempted to allege wrongdoing had occurred during an observed visitation, in the form of threats to the child. The supervisor was able to firmly state that the father's behavior with the child had been appropriate. In both of the cases described above, the staff of the Visitation Center was available as witnesses for trial.

An obvious issue regarding supervision by a professional service is the necessary costs incurred. Typically, the court decides who pays at the time the supervision is ordered, and costs can be reviewed depending on the outcome of the trial. In cases where supervision is not ordered or a family member is allowed to supervise, a professional service such as the Visitation Center can be a choice paid for by the visiting party as an additional protection against future allegations.

Not all visitation occurs inside the Visitation Center's offices. For example, in the case of "Emily," visitation included major holidays and after-hours events, such as trips to the park or going out to dinner. Importance is placed on the child's comfort and a fairly normal visit with a parent which includes daily activities and special events.

Using the Visitation Center is not feasible or practical in every case. Usually, there are extreme circumstances to require supervised visitation and the expense and restrictions it entails. I have seen firsthand, however, the value of the service for the court and my clients and would encourage other attorneys to consider the services provided.

In "Emily's" case, the husband continued to visit through the Visitation Center and at other locales for a period of almost two years. Twice, a supervisor spent part of Christmas Day supervising visits between "Emily" and her father and his family. Ultimately, the allegations against the father were shown to be untrue and he was granted physical custody of the child. Had the father not been able to maintain a relationship with "Emily" through supervised visitation, the outcome may have been very different.

Laurie Mattson-Shoemaker is available through the Visitation Center to handle the increasing need for supervised visitation and forensic interviewing. She may be contacted in Montgomery at (334) 273-0177.

—Juliana Taylor, Montgomery

Former ASB President Gives, and Expects, Nothing Less than the Best



Bill Clark taught a young lawyer about the law, as well as lessons in life

As a law student, my interest in criminal defense led me to Redden, Mills & Clark and an interview with **Bill Clark**. Less than five minutes into the meeting, I learned Bill was a lifelong Methodist, a Sunday School teacher and a West Point graduate. He'd served a tour of duty in Vietnam and spent a career in the Army Reserve. He liked me. I liked him, too. With his help, the firm hired me as their law clerk. Two years later, they offered me a job as an attorney.

Bill took me to court and put me to work on his cases—many of them complicated white collar crimes. He taught me things about which no law school class gave even a hint. He was the kindest man I know. And, he was aggravating.

When he asked for the law on an issue, I would read the latest cases, get a sense of how courts handled the matter and tell him what I found. More often than not, he would frown and say, "I remember seeing a case that said" I spent hours combing through the *Southern Reporter* for obscure decisions. If I protested, he would say, "You can't win a criminal case by cooperating with the State. If you cooperate, your client is already on his way to prison. Read every case. Talk to every witness. Your client deserves your best."

He sent me to places in Birmingham the fire department wouldn't go. The boxes of documents that came with complicated cases landed on my desk. "Read every page." I felt like a new recruit being put through the paces. More than once, though, I found the key witness only after a day-long search, or the document that exonerated our client at the bottom of the last box.

Bill had an intuitive knack for knowing people and a sense for trouble long before it arrived—a witness who didn't look quite right, a statement that just didn't fit or a single word in a police report that told him someone was lying. Often, it was his intuition that opened the cell door for his client. That same intuition opened a door for me.

As we returned to the office one afternoon, we began talking about John Grisham's latest book. I mentioned an interest in writing. He said, "You know, Grisham started writing while he was still practicing law. He did it by making a commitment to himself to write one page a day." My mind seized those words as if they were the keys to a new world. And they were. Since childhood, I had dreamed of writing novels but the task of producing 300 or 400 pages was intimidating and I never got very far. A page a day, though When I got home that night I gave it a try.

Not long after that, the tone of our relationship changed. He wanted me to take the next step, build my own practice, get my own cases. Intuition told him I needed a push. Finally I said, "If I have to build a practice, I'll do it on my own." So, I rented an office in the same building where Bill Clark began the practice of law 35 years ago. And when I wasn't in court or tracking down my own witnesses, I was writing. Before long, it was far more than a page a day.

—Joseph H. Hilley, *Fairhope*

(Joe Hilley now writes full-time. His first novel, *Sober Justice*, was released last year. His second, *Double Take*, will be released in September.)

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Book Review

Banjo Lessons: A Legal Thriller That's Sure to Please On Many Levels

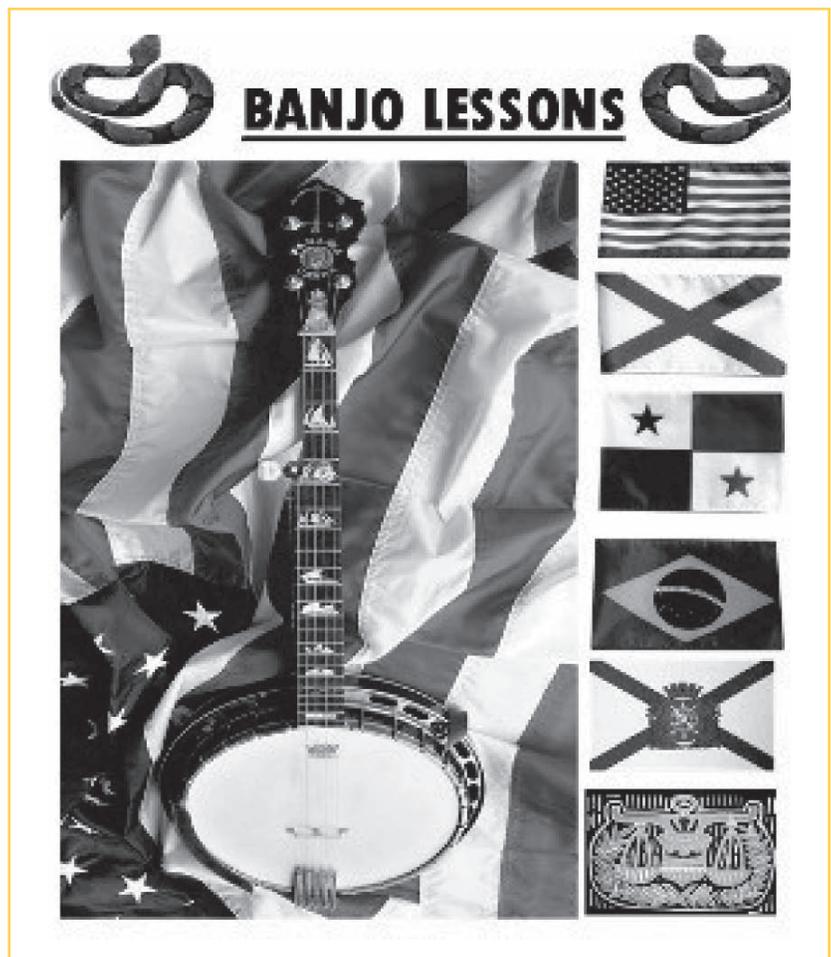
What do you get when you combine banjo playing, cursing in Brazilian Portuguese, the black market, an international love story, and great recipes? Read on!

A novel by Jack B. Hood
Available from AuthorHouse, (888) 280-7715. Also on the Internet at amazon.com; barnes&noble.com; booksamillion.com; borders.com; and authorhouse.com. Please refer to ISBN 1-4184-9742-8; Library of Congress NO. 2004097026 (392 pages, soft cover). Copyright 2004.

Sam Stone, an Assistant United States Attorney in Birmingham, gives banjo lessons to a promising Gates scholar, as Sam undergoes a bitter divorce from his second wife and boss, Linda Lott. Meanwhile, Sam's ex-wife, Regina Jones Oliveira, a direct descendant of the former Confederate families from Americana, Brazil, wants Sam back and launches an international plan of action to get what she wants. The story carries the reader on a legal expedition to the former Panama Canal Zone, modern Panama, the Cayman Islands and Switzerland. Against this background, Sam and his talented Labrador retriever, Holmes, take on some very clever Vietnam-era veterans with foreign accounts and rich real estate holdings. These crooks hold a huge advantage because they have a federal judge on their side.

For a first novel, Jack B. Hood's *Banjo Lessons* is exceptional. Prosecutors and law enforcement agents will immediately warm to the subject matter, and members of the bar and others will gain insights into unique areas of federal practice.

There are many non-legal matters to enjoy in this book: banjo playing and history of the instrument; the differences



between Rhodes v. Gates scholarships; how to swear in Brazilian Portuguese; black market activities in the Vietnam War; various philosophical ideas; dog smarts; an international love story; and recipes and pointers on good food and drink.

This novel is fast paced and definitely an exciting read for all. I highly recommend this book.

—Benjamin A. Hardy, Jr., Jacksonville State University, Jacksonville



Prattville Attorney Uses Her Experience **Outside** of the Courtroom to Help Others

Kim Kervin and her family serve as the Alabama March of Dime Ambassadors to help prevent birth defects

LilliAnna Grace Kervin was born three months early and weighed two and a half pounds at birth. LilliAnna and her family, which includes parents Chris and Kim and siblings Katelyn and Matthew, have been named the 2005 March of Dimes Ambassador family for Alabama. **Kim Kervin** is also a member of the Alabama State Bar, admitted in 1998.

After a long day in court, Kervin went into early labor. After failed attempts to stop the premature birth, LilliAnna was born at 28 weeks. The first 59 days of LilliAnna's life were spent in the NICU at Baptist Hospital in Montgomery. It was 14 days before her parents could hold her for the first time, due to the nerve endings in her skin not being fully developed. She was small enough to fit in the palm of her mother's hand.

Kervin, along with fellow attorneys Heather Dixon, Kelly Lee and Joy Booth, all members of the Women's Section of the Autauga County Bar Association, held their first Progressive Dinner and raised \$1,300 for the March of Dimes. In December 2004, the Women's Section assisted with a "Breakfast with Santa" project which raised an additional \$750 for the cause. When Kervin is not practicing law, she can be found speaking at area schools and luncheons about the escalating problem of premature births and the March of Dimes' fight to find a cure.

LilliAnna is now four years old. Like every child, each year has been an important milestone. Kervin recently learned that a mile of dimes laid side by side equals \$5,000. Over the course of the next year, LilliAnna will be raising money toward her goal of \$25,000, representing five "mile" stone years of her life. She hopes to present the money to the March of Dimes before her fifth birthday.

To donate to this cause, please mail your contribution to LilliAnna's Little Ones, c/o Kimberly Kervin, P.O. Box 680402, Prattville, Alabama 36068. All donations are tax deductible, and checks should be made payable to the "March of Dimes."

COMING SOON! The Alabama State Bar "Quality of Life" Survey

And we want to hear your thoughts! You will be receiving a short survey from the Alabama State Bar. Please be sure to take a moment to complete it and return it.

The information from this survey will be used to improve the services offered by the ASB and to shed light on the many challenges facing attorneys.

Sponsored by the Alabama State Bar Board of Bar Commissioners and the Quality of Life Committee, in conjunction with Blankenship and Seay Consulting Group

Addendum

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Position Available

Alabama Appleseed Center for Law & Justice, Inc. Advocacy Staff Associate

Alabama Appleseed seeks an attorney, or other public affairs professional, with at least two to three years of experience, who is interested in public interest, social justice advocacy in Alabama. The associate will work closely with and under the supervision of Alabama Appleseed's executive director on our current advocacy projects. The associate will be given direct responsibilities on Alabama Appleseed's advocacy projects and on development of new advocacy projects. The associate will be required to travel, depending on the needs of the advocacy work, and must have own transportation (Alabama Appleseed will provide mileage reimbursement). Excellent computer, organizational and communication skills are a must. Legislative or government experience in Alabama also desirable. If the associate is an attorney, litigation experience is desirable, as well as an interest in and willingness to handle litigation matters. The associate, if an attorney, must be a member of the Alabama State Bar, or be willing to take the state bar exam at the first available opportunity.

It is preferred that applicant live in or near Montgomery, as the associate will be expected to work out of that office. The starting date for position is July 1, 2005, but an earlier starting date is negotiable. Starting salary in the low \$40,000s, plus an allowance for health insurance.

Send a cover letter and resume to John Pickens, executive director, Alabama Appleseed, P.O. Box 4864, Montgomery 36103-4864, or e-mail them to alaappleseed@bellsouth.net. E-mail applications are initially preferred.

Alabama Appleseed is a non-profit, non-partisan organization founded in 1999 to identify significant needs in the State of Alabama, tackle their root causes and craft practical, lasting solutions through legal advocacy, community activism and policy expertise.



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1 p.m. to 3 p.m.

THE PROACTIVE PRACTICE: MOVE YOUR FIRM FORWARD

Tea Hoffman, esq., has trained thousands of lawyers in the past several years on topics ranging from how to improve their business development skills to how to balance life and work. She is the author of the book *The Proactive Practice: How to Move Your Firm from Reactive to Proactive*. Her seminar, “Focus on Client Development,” was rated the most-viewed online seminar in the country for over 20 weeks. (2 hours CLE credit)

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