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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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WEDNESDAY

- Registration and Welcome Refreshments
- Board of Bar Commissioners Meeting
- Opening Reception and Family Night Dinner

ALABAMA STATE BAR

THURSDAY

- Reception honoring new Alabama State Bar General Counsel
- Bench and Bar Luncheon
- Celebrating the Diversity of the Profession CLE and Gathering

ALABAMA STATE BAR

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

ALABAMA STATE BAR

SATURDAY

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

Registration opened in mid-March.





## > Legal Food Frenzy Kicks off in Alabama: Working to Fill the Summertime Hunger Gap

By Jeanne D. Rasco

**C**an you imagine having to choose between buying medicine for your sick child or buying food for your family's next meal? In just a few weeks, schools throughout Alabama will dismiss for the summer break. While a lot of children will be thrilled to have summertime freedom, a large number of school-aged children and their families will be fighting hunger.

Alabama has more than 390,000 children who receive free or reduced breakfasts and lunches during the school year. However, during the summer months, only 15 percent of those children have access to summer meal programs. Alabama's eight regional food banks and their 1,500 partner agencies and pantries will work hard to fill the summertime hunger gap. However, they need your help to adequately meet the basic food needs of the 1.8 million people in Alabama who need food assistance!

Two years ago, the Alabama Attorney General's Office and the Alabama State Bar joined with the Alabama Food Bank Association and started the Alabama Legal Food Frenzy to help end child hunger. Between April 23 and May 4, Alabama's lawyers, law firms and legal organizations will compete again to see who can raise the most food and funds for Alabama's eight regional food banks.

As explained by Alabama State Bar President Augusta Dowd, "Alabama lawyers live out our state bar's motto, 'Lawyers Render

Service,' in daily interactions with their clients and their communities. 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 are on 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."

Last year, the equivalent of more than 72,000 pounds of food was collected for Alabama's hungry. Will you help us collect even more food and funds this year? To sign up to participate, or make a monetary donation, go [here](#). Remember for every \$10 you donate, 20 meals will be provided to those in need.

If you have any questions about the Legal Food Frenzy, please contact [Laura Lester](#) at (256) 653-3535.

*Jeanne Rasco is an assistant city attorney with the City of Huntsville.*

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Dowd

## > **Catching up with President Augusta Dowd**

By Carol T. Montgomery

**B**irmingham attorney Carol Montgomery recently sat down with Alabama State Bar President Augusta Dowd to discuss her term so far.

**CM:** What aspect of your service as Alabama State Bar President have you enjoyed most in the months since your term began?

**AD:** There is no question that I've enjoyed developing relationships with our members across the state: all areas of practice, all types of communities, practicing attorneys and members of the judiciary. Getting to know people as people as opposed to just statistics has been extremely rewarding to me.

**CM:** What have you learned in your travels and meetings with lawyers across the state?

**AD:** I've learned a lot about how varied the practice of law is in different parts of the state. I think the biggest challenge I've seen has been ensuring that our lawyers are keeping pace with the evolution of the practice. For example, some of our lawyers in rural communities have trouble getting appropriate broadband for Internet services. In this day and age, you are going to miss out tremendously on potential business, changes in your practice area and networking if you don't have reliable Internet accessibility. I also want the state bar to become more relevant to assist our lawyers in utilizing services that the lawyers already pay for, such as practice management services and courses on basic technology and basic accounting.

**CM:** What is your advice for young lawyers as we begin navigating the legal profession?

**AD:** Become technologically savvy, network at every possible opportunity and please get involved in your community and your local and/or state bars. For me, bar service has been extremely rewarding in areas that the practice of law didn't necessarily provide. I've met so many people and the network of business connections has been phenomenal. Find people who are professionals and understand that this is a noble profession—which is not to say that we don't fight and advocate. Remember, above all, reputations take a long time to build and they can disappear with one ill-conceived action or word. Think before you talk or write. The 24- or 48-hour rule is a good thing!

**CM:** How do you balance your busy schedule as president and your legal practice?

**AD:** That has been tough. I'm deeply grateful to my partners, because they have really taken the load of legal work and I'm more often "air traffic control" this year. And, I must say I'm really proud of our young lawyers for picking up the slack. That has taught me a huge lesson—you really can delegate and it can be hugely successful. I'm also deeply grateful to my husband who has been terrific about the fact that this was just a busy year. I do love it, though! I volunteered for this and am so grateful to have the opportunity. This is very much a noble profession. It is a huge privilege to be licensed as a lawyer, and I am thankful every day. <

*Carol Montgomery is an associate with Butler Snow LLP in Birmingham.*

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# > IMPORTANT NOTICES

## Local Bar Award of Achievement

The Local Bar Award of Achievement recognizes local bars for their outstanding contributions to their communities. Awards will be presented during the Alabama State Bar's Annual Meeting.

Local bar associations compete for these awards based on their size—large, medium or small.

The following criteria are used to judge the applications:

- The degree of participation by the individual bar in advancing programs to benefit the community;
- The quality and extent of the impact of the bar's participation on the citizens in that community; and
- The degree of enhancements to the bar's image in the community.

**To be considered for this award, local bar associations must complete and submit an application by June 1.**

[Applications](#) may be downloaded or obtained by contacting Mary Frances Garner at (334) 269-1515 or by [email](#).

## J. Anthony "Tony" McLain Professionalism Award

**The Board of Bar Commissioners of the Alabama State Bar will receive nominations for the J. Anthony "Tony" McLain Professionalism Award through April 15.**

Nominations should be prepared on the appropriate nomination [form](#) and mailed to:

Phillip W. McCallum  
Executive Director  
Alabama State Bar  
P.O. Box 671  
Montgomery, AL 36101

The purpose of the J. Anthony "Tony" McLain Professionalism Award is to honor the leadership of Tony McLain and to encourage the emulation of his deep devotion to professionalism and service to the Alabama State Bar by recognizing outstanding, long-term and distinguished service in the advancement of professionalism by living members of the Alabama State Bar.

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.

## William D. "Bill" Scruggs, Jr. Service to The Bar Award

**The Board of Bar Commissioners of the Alabama State Bar will receive nominations for the William D. "Bill" Scruggs, Jr. Service to the Bar Award through April 15.**

Nominations should be prepared on the appropriate nomination [form](#) and mailed to:

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The Bill Scruggs Service to the Bar Award was established in 2002 to honor the memory of and 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.

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.

## Notice of and Opportunity for Comment on Amendments to the Rules of the United States 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*. The public comment period is from April 4 to May 4, 2018.

A copy of the proposed amendments may be obtained on and after April 4, 2018 from the court's [website](#). 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 address or [electronically](#) by 5:00 p.m. (ET) on May 4, 2018.

# Hard Work Good Legal Network Client Life Counselor



## > SOLO PRACTICE

# An Admirable Profession

By DeAnne M. Calhoon

**W**hen I was asked to write this article, I was told it could be on any topic. So I chose to write about my experience as a recent solo practitioner.

After working for nearly 12 years with the Department of Justice, U.S. Attorney's Office, I ventured out eight months ago and opened my own law office. I had considered the option of going solo for a number of years, but I did not think it was a realistic goal for me as a wife and a mother of four children. However, circumstances changed and God laid it heavy on my heart to overcome my fears and to take a leap of faith. And, so I did.

Within a two-month timeframe, I was up and going, excitedly and nervously taking my first case as a solo practitioner! When I tell you solo practice is worlds apart from government practice and that I have learned a lot over the past eight months, I mean I have learned *a lot!* In fact, I have a newfound respect for solo practitioners.

The first thing I have learned is that managing a solo practice is hard work.

Ask any solo practitioner and they will tell you practicing law is stressful. Solo practitioners are constantly juggling decisions about what cases to take and what cases to turn down. They manage deadlines and conflicting court appearances with the mindset that there is no one else in the office to cover conflicts. They do this all while managing overhead and limited resources. You cannot be an effective solo practitioner without knowing how to multi-task.

The second thing I have learned is that a good legal network is invaluable. No lawyer knows everything, despite what they may think, and having access to a reliable network of professionals to call upon is crucial to a solo practice. Most solo practitioners wear multiple hats. They are lawyer, receptionist, paralegal, bookkeeper, IT manager and public relations officer. Cultivating relationships with fellow practitioners as well as with other professionals is key to being successful.

Finally, I have learned that people need life counseling just as much as they need

legal advice. More often than not, people seeking legal advice are also seeking some level of personal counseling. Solo practitioners deal with cases involving domestic disputes, drug addictions and financial hardships. They also deal with asset disputes from quarrelsome family members after the passing of a loved one. While these people clearly need legal counseling, oftentimes they seek life wisdoms and reassurances that there is a light at the end of the tunnel despite their current circumstances.

It is no wonder why every lawyer is not cut out for solo practice. I am convinced many lawyers would never make it on their own. The solo practitioners who survive thrive on challenge, love learning and are self-disciplined. Those are the attorneys who would likely tell you solo practice is a very rewarding career.

I am looking forward to building my practice and eager to learn from those who have "been there, done that!"

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*Dee Dee Calhoon practices with Calhoon Law LLC in Prattville.*

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## > SOME CONSTITUTION ON YOUR GARNISHMENT:

# Wages and Exemptions in Alabama

By J. Gabriel Carpenter

There are, or used to be, state constitutional and statutory exemptions applicable to the garnishment of wages. Judgment debtors used to be able to *combine* the two. Then there was a *choice* between the two. Now, you get what you get and don't pitch a fit.

Alabama's Constitution provides that "[t]he personal property of any resident of this state to the value of one thousand dollars, to be selected by such resident, shall be exempt from sale or execution, or other process of any court, issued for the collection of any debt contracted ...."<sup>1</sup> The *Alabama Code*, on the other hand, basically allows debtors to exempt 75 percent of their wages.<sup>2</sup>

For a couple of decades, the *Code* has limited its interaction with the Constitution. Section 6-10-37 provides: "No claim for exemptions shall exceed the greater of the amounts authorized

by the Constitution of 1901, as amended, or required by provisions of federal law." With the insertion of § 6-10-6.1 in 2015, the *Code* seems to have cut ties entirely. That section "exclude[s] from the meaning of personal property the wages, salaries, or other compensation of a resident for the purposes of the personal property exemption under Section 6-10-6 and Section 204 of the Constitution of Alabama of 1901."<sup>3</sup>

After the amendments to § 6-10-6 and § 6-10-37 in 1988, courts concluded that a debtor couldn't stack his constitutional exemption on top of his statutory exemption—at least where doing so would allow more exemption than the statute or Constitution would on its own.<sup>4</sup> Usually, a debtor gets either or, but not both. Say a debtor gets \$1,334 in wages. It would be slightly better to use the 75 percent statutory exemption of \$1,000.50 rather than the

Constitution's cool \$1,000. This debtor couldn't stack the \$1,000 constitutional exemption and claim all wages exempt without running afoul of § 6-10-37. Of course, if his wages were below \$1,000, the Constitution would allow the debtor to exempt the whole amount.

How often can you claim the constitutional exemption? Say I received \$999 per day in wages. Could I claim all that exempt each pay period? Creditors would cringe. Or is this a one-time deal? One recent case seemed to say it is,<sup>5</sup> but that didn't seem right either. The court of civil appeals provided some clarification recently in the cases of *Merrida and Nettles v. Credit Acceptance Corporation*. It held that a judgment debtor could claim the full \$1,000 exemption each pay period, so long as she was able to show that the money is used to support her family and there is no accumulation of wages over \$1,000.<sup>6</sup>

This is good news for a single parent bringing home \$600 every two weeks, but does it matter? The debtors in *Merrida* were allowed their constitutional exemption only because their

debts were incurred prior to June 11, 2015.<sup>7</sup> Thus, the court did not have to deal with § 6-10-6.1. It seemed clear that wages could be exempt as personal property under the Constitution,<sup>8</sup> but the legislature apparently disagreed and used § 6-10-6.1 to rewrite the Constitution.

So what happens to debts incurred<sup>9</sup> after the effective date of § 6-10-6.1? Will the courts rubber-stamp this legislative impudence and deny low-income Alabamians their constitutional exemption? Or will they insist that such a change wend its way through the proper channels? <

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*Gabe Carpenter practices with Alabama Consumer Law Group LLC in Talladega.*

#### Endnotes

1. Article X, § 204, Ala. Const. (1901).
2. ALA. CODE (1975) § 6-10-6; § 6-10-7; and § 5-19-15.
3. ALA. CODE (1975) § 6-10-6.1 (emphasis added). This section was inserted into Act 2015-484, which increased the personal property and homestead exemptions in Alabama. It wasn't in the bill that was first introduced.
4. *Compare Roberts v. Carraway Methodist Medical Center*, 591 So.2d 870, 872 (Ala. Civ. App. 1991) (stacking permitted where debtor exempted \$430-\$107.50 under the Constitution and \$322.50 [75 percent of wages] under the statute) with *Sink v. Advanced Collection*, 607 So.2d 246 (Ala. Civ. App. 1992) (stacking prohibited where debtor claimed \$1,200 in wages exempt-\$900 under the statutes and \$300 under the Constitution).
5. *Alabama Telco v. Gibbons*, 195 So.3d 1012 (Ala. Civ. App. 2015). The *Gibbons* Court was trying to make clear that any accumulation of wages above \$1,000 is not exempt, but unfortunately, it confused the matter by also stating that the Constitution "does not allow for the application of a reoccurring \$1,000 exemption for a claimant's wages earned during each pay period in perpetuity." *Id.* at 1018.
6. \_\_ So.3d \_\_, case nos. 2160188 and 2160189 at \*8-9 (Ala. Civ. App. May 12, 2017) (citing *Walker v. Williams & Bouler Construction Co.*, 241 So. 2d 896, 900 (Ala. Civ. App. 1970) (quoting *Weis v. Levy*, 69 Ala. 209, 211 (1881)).
7. *Id.* at \*6.
8. See *Roberts*, 591 So.2d at 871.
9. What do they mean by "incurred?" Is it when the debt was contracted for? Or is it when the debt is reduced to judgment? The *Code* uses the word "created," but that is no more helpful. ALA. CODE § 6-10-1.



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